



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Telford Aviation, Inc.

File: B-275896

Date: April 16, 1997

Howell Roger Riggs, Esq., for the protester.

Thomas G. Jeter, Esq., and Mark J. Meagher, Esq., McKenna & Cuneo, L.L.P., for Doss Aviation, Inc., the intervenor.

Maj. Michael J. O'Farrell, Jr., Department of the Army, for the agency.

Robert C. Arsenoff, Esq., and Paul I. Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that the evaluation of protester's technical and price proposals was flawed is denied where agency reasonably followed the evaluation criteria in scoring proposals and the protester's argument essentially reflects its disagreement with the evaluators based on a view that its proposal should not have been downgraded merely because it complied with the solicitation's minimum technical requirements.
 2. Record provides no basis to object to cost/technical tradeoff based on reasonable technical and price evaluations where protester's allegation is premised on its contrary view of the underlying evaluation.
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DECISION

Telford Aviation, Inc. protests the award of a contract to Doss Aviation, Inc. under request for proposals (RFP) No. DABT51-95-R-0034, issued by the Department of the Army for aircraft maintenance and repair services at Fort Bliss, Texas, and Fort Huachuca, Arizona. Telford alleges that the evaluation of its proposal was improper and also challenges the cost/technical tradeoff decision resulting in the selection of Doss.

We deny the protest.

BACKGROUND

The RFP contemplated the award of a fixed-price requirements contract to the offeror whose proposal was determined to represent the best value to the government based on price and other factors. The solicitation provided that technical and management factors were more important than price, which was, in

turn, more important than past performance. The evaluation factors listed in section M of the RFP, together with the associated maximum scores that could be assigned by the evaluators, as listed in the source selection plan¹, were as follows:

Factor/ Subfactor	Maximum Possible Points
Technical	60
Staffing	20
Policies and Procedures	33
Personnel Qualifications	7
Management	30
Aviation Quality Management	10
Aviation Logistics Support	9
General Management	7
Other Management Areas	4
Past Performance	Not Numerically Scored

Four initial proposals were received. One was immediately rejected as unacceptable and another was withdrawn from the competition. Discussions were held with Doss and Telford and each was invited to submit a best and final offer (BAFO). The final evaluation scores were as follows:

¹The factors and subfactors listed below were further subdivided and the subdivisions were weighted. In our comparative analysis of section M and the source selection plan the record indicated some slight differences in emphasis in certain areas, none of which is material to the resolution of the protest.

EVALUATION CATEGORY	DOSS	TELFORD
Technical		
Staffing	19.00	5.60
Policies and Procedures	20.10	7.00
Personnel Qualification	7.00	6.25
Total Technical (60 Maximum)	46.10	18.85
Management		
Aviation Quality Management	8.50	2.50
Aviation Logistics Support	7.20	3.15
General Management	5.60	0.00
Other Management Areas	3.33	0.94
Total Management (30 Maximum)	24.63	6.59
TOTAL OVERALL² (90 Maximum)	70.73	25.44

Telford's BAFO price was \$4,665,297 for a base year with three 1-year options as compared to Doss's price of \$6,205,365. Doss's price was determined to be realistic while Telford's was questioned because the firm proposed to pay experienced technical workers only the minimum wages required by law. The past performance evaluation resulted in Doss being credited for more relevant aircraft experience than Telford. While recognizing the substantial price differential, the contracting officer selected Doss stating that its higher technical/management score in the most important evaluation factor, better past performance, and realistic price represented the best value to the government in view of the agency's willingness to pay a reasonable premium for reliability and technical excellence. The tradeoff analysis was performed despite the agency's assessment that Telford's proposal was

²These totals differ slightly, and inconsequentially, from those reported in the narrative in the agency report (75 for Doss and 22 for Telford) because of minor methodological and arithmetic anomalies in the manner in which the evaluators assigned and totaled the scores. These figures are based on the original individual evaluators' scoring sheets using the methodology and weights contemplated by the source selection plan and assigning the maximum points possible to each offeror for two sub-subfactors which were, for some reason, overlooked in the scoring. It is clear from the record that these anomalies are inconsequential with respect to the resolution of the protest.

technically unacceptable. Following notification of the award and a written debriefing received on December 31, Telford filed this protest on January 6, 1997.

PROTEST AND ANALYSIS

The protester principally challenges the propriety of the technical/management evaluation, the price realism evaluation, and the cost/technical tradeoff.

Technical/Management Evaluation

The protester challenges four aspects of the technical/management evaluation, namely those involving minimum manning under the staffing subfactor, property control and nondestructive testing under the policies and procedures subfactor and aviation logistics support under the management factor.

Because the evaluation of proposals is an inherently subjective process our Office will not substitute its judgment for that of the agency's evaluators. In order for us to disagree with the agency, the record must show that the agency's evaluation was unreasonable; a protester's mere disagreement with the agency's judgment does not establish that it was unreasonable. Scientific Management Assocs., Inc., B-238913, July 12, 1990, 90-2 CPD ¶ 27 at 4.

Minimum Manning Under the Staffing Subfactor

Two contract line items called for offerors to propose a minimum number of maintenance and repair personnel at Fort Bliss and Fort Huachuca respectively; these positions were described in the RFP and constituted the technical minimum manning necessary to perform the contract. Two separate line items, one for each fort, called for offerors to propose "administrative personnel, office personnel, management, staff and supervisory personnel" which were, by the terms of the RFP, not to be duplicates of the minimum manning personnel. Telford was downgraded for proposing a number of personnel positions incorporating multiple functions which included both the minimum manning category and the supervisory/support category. The most prominent of these was the offeror's proposal that its test pilot at each fort also function as the project manager at that location.

Telford objects to this downgrading on the basis that the RFP did not preclude assigning multiple functions to the same individual. Telford also maintains that the Army is incorrect in believing that one individual cannot successfully perform in multiple roles.

The solicitation contract line item format, which indicated separate categories for maintenance/repair personnel and supervisory/administrative personnel and included the proviso that the latter should not duplicate the former, clearly conveyed to

offerors that proposing multiple functions for a single person was a less than acceptable method of staffing. Given the clarity of the RFP in this regard and Telford's election to disregard it, we find that the agency had a reasonable basis to downgrade the protester's proposal because less-than full-time key management positions were proposed. See Scientific Management Assocs., Inc., *supra* at 4-5, Lincoln Property Co., B-247664, May 22, 1992, 92-1 CPD ¶ 469. Finally, as to Telford's generalized disagreement with the evaluators about whether individuals can successfully perform more than one role, we note that such a disagreement alone does not render the agency's position unreasonable. Scientific Management Assocs., Inc., *supra* at 4,7.

Property Control and NonDestructive Testing Under the Policies and Procedures Subfactor

With respect to the downgrading of its proposal based on inadequate understanding of property control systems, the protester principally alleges that the scoring was improperly based on Telford's failure to submit a detailed supply procedural manual which was not required by the RFP. The record, however, indicates that Telford was downgraded in this area because the discussion it did include on the subject of managing government furnished property was inadequate. For example, the agency found that Telford's proposal to conduct a joint inventory with the incumbent was impermissible as was the protester's proposal to use hand receipts for the transfer of property from the incumbent. Telford's comments on these, and other, specific findings merely establish its disagreement with the agency's assessment of its proposal, which does not afford a legal basis for sustaining the protest. *Id.*

With regard to the downgrading of its proposal in the area of nondestructive testing, Telford asserts in its protest that it currently operates nondestructive inspections under another government contract for which it should be credited. The technical evaluators, however, properly considered only information contained in Telford's proposal. Intelcom Support Servs., Inc., B-225600, May 7, 1987, 87-1 CPD ¶ 487 at 6. The record shows that those evaluators found that Telford's proposal did not adequately establish that the firm had a thorough understanding of procedures for nondestructive testing; all Telford has presented for our review is its general disagreement with this finding. We therefore find no merit to this aspect of the protest. Scientific Management Assocs., Inc., *supra* at 4,7.

Aviation Logistics Support Under the Management Factor

The aspect of the evaluation in this area on which Telford focuses is the agency's finding that its proposal did not adequately address the need for separate treatment of logistics at each of the forts covered by the contract. Telford objects to the fact that no discussions were held on this specific point. The allegation is untimely because it was first raised in the comments filed by the protester in this matter on

March 13. The issue was made known to Telford on December 31 when it received the debriefing which described this specific logistics concern of the Army. A protester may not introduce a new issue in its comments that it could have raised in its initial submission to our Office. Our Bid Protest Regulations do not contemplate the unwarranted piecemeal presentation of protest issues. Concrete Sys., Inc., B-259283, Mar. 22, 1995, 95-1 CPD ¶ 158 at 4 n. 2.

Finally, we note that the areas challenged by Telford were worth a maximum of 20.2 points out of the possible total of 90. Telford's score in these areas was 5.6. Thus, even if we were to conclude that the protester was completely correct in its position with regard to each of the areas and should have been awarded the maximum number of points possible, its score would only increase by 14.6 points from 25.44 to a total of 40.04 points out of the possible 90. Even in this circumstance it appears highly unlikely that the selection decision would have been different. See Naho Constr., Inc., B-244226, Sept. 12, 1991, 91-2 CPD ¶ 241 at 4.

Price Realism Evaluation

Telford objects to the agency determination that its price was less realistic than the awardee's based on the Army's concern about whether the protester would be able to secure and retain a reliable work force in view of its proposal to pay its experienced personnel only the minimum required by law.

The manner in which a price realism analysis is conducted is a matter subject to a contracting agency's sound discretion which we will not disturb unless it lacks a reasonable basis. See Research Management Corp., 69 Comp. Gen. 368 (1990), 90-1 CPD ¶ 352. Compensation rates properly may be considered as part of a realism analysis. PHP Healthcare Corp.; Sisters of Charity of the Incarnate Word, B-251799 et al., May 4, 1993, 93-1 CPD ¶ 366; see also Wackenhut Servs., Inc., B-255781.3, July 10, 1995, 95-2 CPD ¶ 6 at 5-6. Telford has presented nothing which causes us to question the Army's price analysis. Moreover, Telford has not responded at all to the agency's specific concerns that its proposed health and welfare benefits, general and administrative expense, and profit rates were all understated. Accordingly, we find this aspect of the protest to be without merit.

Cost/Technical Tradeoff Decision

The objections raised by Telford to the cost/technical tradeoff are predicated on the assumption that it was defective because it resulted from defective underlying technical and price evaluations. Because the above analysis shows that the underlying evaluations were reasonably based, this aspect of the protest is without merit.

The protest is denied.

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