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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-196721

DATE: May 9, 1980

MATTER OF: Alcoa Marine Corporation

*[Protest Relating to Navy Evaluation of Proposals]*  
**DIGEST:**

1. Protest (alleging that Navy changed evaluation criteria emphasizing technical excellence to criteria based on minimum standards in negotiated procurement) is denied where GAO review of RFP, technical evaluations, evaluators' scoresheets, and technical proposals shows that original criteria were strictly applied. Fact that both proposals received perfect technical score does not prove that minimum standards were used to evaluate proposals.
2. Evaluation of proposals is function of procuring agency and GAO will question technical evaluation only if evaluation lacks reasonable basis. Where GAO's in camera review of proposal shows reasonable basis for perfect score on awardee's proposal, protest alleging unreasonable evaluation due to perfect technical rating of awardee's proposal is denied.

Alcoa Marine Corporation (Alcoa Marine) protests award of a contract to Global Marine Development, Inc. (Global), by the Naval Sea Systems Command pursuant to request for proposals (RFP) No. N00024-79-R-4081(Q). The protester and Global were the only offerors to respond to the RFP which called for performance of marine object search and identification, submarine/submersible rescue, recovery of aircraft/spacecraft/cargo and other objects in shallow and deep water, underwater inspection of pipelines and marine structures, and related engineering support services.

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The protester raises two issues which both relate to the Navy's evaluation of proposals. First, Alcoa Marine contends that the Navy did not evaluate the two technical proposals received in response to this RFP in accordance with the RFP's stated evaluation criteria. Second, Alcoa Marine charges that the technical evaluation of proposals was without a reasonable basis since both Alcoa Marine's and Global's technical proposals were given perfect scores of 1,000. Alcoa Marine does not argue that a perfect score could not have been achieved by an offeror but rather contends that, since Alcoa Marine's proposal was so superior to Global's proposal, Global could not reasonably have been given a perfect score by the technical evaluation board when the two technical proposals were compared with each other.

We are not persuaded by Alcoa Marine's arguments and, therefore, the protest is denied.

At the outset, we point out that it is neither our function nor practice to conduct a de novo review of technical proposals and make an independent determination of their acceptability or relative merit. The evaluation of proposals is the function of the procuring agency, requiring the exercise of informed judgment and discretion. Our review is limited to examining whether the agency's evaluation was fair and reasonable and consistent with the stated evaluation criteria. We will question contracting officials' determinations concerning the technical merits of proposals only upon a clear showing of unreasonableness, abuse of discretion or violation of procurement statutes or regulations. KET, Inc., B-190983, December 21, 1979, 79-2 CPD 429.

The RFP set forth (in descending order of importance) the following factors for evaluation and award: technical expertise, corporate/management organization and experience, personnel, equipment, and price. Regarding price, the RFP stated:

"\* \* \* It is not expected that price will be as important as the factors set forth above, and it will not necessarily

be controlling. However, it is an important factor. The degree of its importance will increase with the degree of equality of proposals in relation to other factors on which selection is to be based. \* \* \*

Alcoa Marine charges that the Navy did not evaluate the proposals in accordance with the above-outlined technical evaluation criteria. Alcoa Marine alleges that the Navy changed the award criteria to:

"\* \* \* a mere assessment of whether an offeror satisfied some unstated minimum need. In other words, NAVSEA simply looked at each proposal, and if it determined that the proposal satisfied its minimum needs, then the offeror was awarded the maximum number of possible points."

The protester contends that the Navy, in accord with the RFP's stated criteria, should have determined the comparative technical superiority of the proposals by comparing each proposal to the other. Alcoa Marine alleges that, by shifting from a standard of comparative technical excellence to a minimum needs standard without amending the RFP, the Navy prevented full and free competition. Alcoa Marine recognizes that, where technical proposals are rated technically equal, the contract may be awarded on the basis of price. However, Alcoa Marine argues that, if it had been informed of the change in evaluation criteria to a minimum needs standard, Alcoa Marine would have been able to lower its price sufficiently to have displaced Global as low offeror and still have met the minimum standards desired by the Navy. (Alcoa Marine points out that, although it believes that its technical proposal was far superior to Global's technical proposal, Alcoa Marine's best and final price was only 8 percent higher than Global's best and final price.)

In response to Alcoa Marine's protest, we specifically requested that the Navy give us the technical proposals of both offerors. Since the

proposals are proprietary in nature, the Navy supplied them for our in camera review only. Accordingly, to protect the confidentiality of the materials we have reviewed, our discussion of the proposals and evaluations is necessarily limited. We point out, however, that in deciding this protest we have carefully reviewed the technical proposals, the technical evaluation plan used by the technical evaluation team, the technical evaluation board's report of August 27, 1979, the individual evaluators' scoresheets for each proposal, the contract award review panel's report of October 10, 1979, the protester's and awardee's submissions, and the Navy's reports on this protest (dated November 29, 1979, and January 23, 1980).

We conclude that the evaluation was conducted in conformity with the evaluation criteria stated in the RFP. The Navy emphatically denies the existence of any minimum requirements to which the proposals could have been compared. The individual evaluators state that no such minimum requirements were supplied to them by the contracting officer or any other Navy official. The Navy readily admits that the proposals were not compared to each other and that the evaluation team members were specifically instructed to evaluate each proposal separately against the RFP's stated criteria. We find no impropriety here since the RFP did not indicate that proposals were to be rated by comparing each proposal to all other proposals received. Instead, the RFP clearly delineated the specific criteria which would be applied. After reviewing each proposal separately, each evaluator independently concluded that the proposals exceeded the standards set forth in the RFP in all categories evaluated. Accordingly, each proposal received a score of 1,000 points out of a possible 1,000 evaluation points. Though this is unusual in negotiated procurements, it is not proof that the evaluation criteria were changed to a minimum standard.

The protester contends that the evaluation of the Global proposal could not have been rationally based since the Global proposal allegedly should not have been given a perfect technical score. Alcoa Marine alleges several deficiencies in the Global proposal for which it

should have been downgraded. Alcoa Marine admits that Global has engaged in deep-sea mining work for many years, but emphasizes that Global has very little experience in the area of search and recovery which is a major portion of the work to be performed under this contract. The protester concludes that Global should have been penalized for lack of search and recovery experience in the evaluation of Global's corporate experience and in the evaluation of Global's technical expertise--two of the RFP's stated evaluation factors. Alcoa Marine states that its own proposal listed dozens of search and recovery jobs it had been involved in, but that Global's proposal only listed three such jobs in recent years. Alcoa Marine contends that, at a minimum, Alcoa Marine's proposal should have received a higher rating than Global's proposal in these categories.

In this regard, Alcoa Marine cites a statement made by Global in its Form 10-k filed with the Securities and Exchange Commission on March 26, 1979, to the effect that Global was not engaged in special exploratory and salvage operations although it was investigating the feasibility of engaging in such endeavors. Alcoa Marine also states that Global should have lost points in the area of technical expertise since familiarity with side scan sonar and similar equipment was required by the RFP, but Global's only experience with such equipment was related to a single training exercise. Alcoa Marine also attacks Global's technical rating in the personnel category because Alcoa Marine alleges that Global has no personnel who have the experience required for the position of Senior Project Manager or for the position of Project Manager (10 and 5 years, respectively).

Our examination of Global's proposal provides no basis upon which we can fault the Navy's technical evaluations. Global's familiarity with technical equipment (including side scan sonar), search and recovery techniques, and its knowledge of state-of-the-art are documented in its proposal. Moreover, the Navy points out that, even though Global's corporate experiences in search and recovery may have been limited in quantity, the evaluators were impressed with the quality of Global's search and recovery jobs and, therefore, gave Global a

perfect rating. We think this is a reasonable approach. At the least, we have no basis to conclude that the evaluation of the proposal was deficient in this category since the proposal showed three search and recovery projects performed by Global. We do not think that the statement in Global's Form 10-k impeaches the findings of the Navy's evaluators since the Form 10-k was not part of the proposal, the statement is taken out of context, and Global explains that the statement was a reference to a particular commercial venture and that Global had been engaged in search and recovery before and after it filed the Form 10-k. Lastly, our examination of the Global proposal in connection with the experience of the proposed Senior Project Manager and Project Manager leads us to the conclusion that the RFP's experience requirements have been met.

In view of the above, we conclude that the technical evaluations were conducted in a fair and reasonable manner and in conformity with the provisions of the RFP. Accordingly, we will not question the Navy's technical evaluations and find no impropriety in the award to Global based upon its lower best and final price in accord with the RFP.

*Milton J. Arnold*  
For the Comptroller General  
of the United States