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

FILE: B-213878   **DATE:** April 3, 1984

MATTER OF: Software Associates, Ltd.

DIGEST:

1. Where the RFP clearly evidences the con-
    tracting agency's characterization of the
    required tasks, a protest that it was
    improper to evaluate proposals based on this
    characterization lacks merit.

2. Contracting agency's determination that a
    proposal is technically unacceptable is a
    matter of agency discretion which will not be
    disturbed unless it is shown to be unreason-
    able or in violation of the procurement laws
    and regulations.

        Software Associates, Ltd. protests the rejection of
the offer it submitted in response to request for proposals
(RFP) No. DAAB07-83-R-J554 issued by the U.S. Army
Communications-Electronics Command, Fort Monmouth,
New Jersey. The Army issued the RFP to secure the con-
figuration management of tactical satellite terminals.
Software Associates believes that the statement of work in
the RFP, although entitled "Configuration Management of
Tactical Satellite Terminals," relates to technical publi-
cation and status accounting services, not to configuration
management services. On this basis, Software Associates
contends that it was improper to evaluate its proposal on
the basis of criteria related to configuration management.
Software Associates also contends that the Army's determi-
nation of technical unacceptability was otherwise unjusti-
fied.

        We deny the protest.

        The statement of work in the RFP describes 26 tasks
relating to the maintenance, filing and revision of 15,000
government-furnished drawings of tactical satellite termi-
nals. The RFP sets forth an evaluation approach which

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includes the following factors: technical approach, technical experience, personnel, manhours, facilities and equipment, past performance, and management structure.

The Army received four proposals in response to the solicitation and found three of them to be technically acceptable. The Army found the fourth, submitted by Software Associates, to be unacceptable with respect to all evaluation factors set forth in the solicitation except for facilities and equipment. The Army concluded that Software Associates would have to completely rewrite its proposal to make it technically acceptable and, consequently, it rejected the proposal.

Software Associates attacks the finding of technical unacceptability on the ground that the Army judged its proposal against improper solicitation criteria. It contends that the 26 tasks set forth in the statement or work are more appropriately described as drawings audit, control and status accounting than as configuration management.[1] Software Associates believes this position is supported by an amendment to the RFP that eliminated a data item description relating to configuration management. The protester argues that since configuration management, in the sense in which it understands the term, is not actually required by the solicitation, it was improper for the Army to use "detailed configuration management criteria" to evaluate its proposal.

This argument is without merit. The RFP made it clear that the Army regarded the requested services to be configuration management. The statement of work is entitled "Configuration Management of Tactical Satellite Terminals."

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[1]Military Standard 482 defines configuration management as a process that identifies through drawings the functional and physical characteristics of an item, incorporates changes in the item, insures traceability back to the original design, and provides information on the status of the changes.

The statement of work discloses that, "It is the Configuration Management and control of . . . drawings . . . that will require the major portion of the work effort solicited." Moreover, the RFP cites Military Standard 482, the subject of which is configuration management, as one of the governing standards in the procurement.

Software Associates' argument that the amendment to the solicitation indicates that the agency did not regard the services as configuration management is unpersuasive. The amendment deleted a data item description, which included aspects of configuration management, that obviously applies only to contracts for goods (hardware), and does not apply to the services contemplated by the RFP. The Army reports that the initial inclusion of the description was erroneous. Significantly, the RFP contains another data item provision, unaffected by the amendment, describing configuration management in the context of contracts for services relating to government-furnished drawings.

Since the RFP unambiguously indicates that the Army regarded the services described in the statement of work as configuration management and that proposals would be evaluated with such an understanding, the Army's subsequent evaluation of proposals with such an understanding was required. Once the offerors are informed of the criteria against which their proposals will be evaluated, the agency must adhere to those criteria in evaluating the proposals. Columbia Research Corporation, B-202762, January 5, 1982, 82-1 CPD 8. Thus if the Army had evaluated the proposals with the understanding proferred by the protester, the evaluation would have constituted an improper deviation from the evaluation scheme set forth in the RFP.

Next, Software Associates asserts that the Army's evaluation of its proposal was unreasonable and the determination of technical unacceptability unfounded. The determination of whether a proposal is technically acceptable is primarily a matter of administrative discretion. Our Office will not disturb the exercise of such discretion unless it is shown that the determination lacked a reasonable basis or is in violation of the procurement laws and

regulations. Donald H. Humphries & Associates, et al., 55
Comp. Gen. 432 (1975), 75-2 CPD 275; All Star Dairies Inc.,
B-209188, January 31, 1983, 83-1 CPD 107.

An examination of Software Associates' proposal
reveals a more than adequate basis for the finding of tech-
nical unacceptability. Software Associates has simply
failed to address broad aspects of the RFP requirements.
For example, the only RFP requirement relating to the
evaluation factor "project structure" is that the offeror
set forth a plan for organizing performance, managing
progress and controlling expenditures. Software
Associates' proposal does not contain such a plan. This
logically led the Army to rate the proposal as inadequate
with regard to project structure.

Similarly, with regard to the factor "manhours" the
RFP requires that the proposal "describe manpower alloca-
tion against each task." The proposal did not allocate
manhours to each task, but merely listed the total number
of manhours for each of nine labor categories on a quar-
terly basis. Clearly, the proposal does not meet the
requirement.

Perhaps most significantly, the RFP requires with
respect to the factor "technical approach" that the pro-
posal demonstrate "a comprehensive knowledge and clear
understanding of the degree of effort required to accom-
plish all tasks necessary to effect compliance with
solicitation requirements." The RFP also underscores the
importance of manifesting "an understanding of the detailed
aspects involved and provid[ing] specific approaches for
their completion and [demonstrating] that the offeror
correctly interpreted the Statement of Work."

Despite these requirements, Software Associates' pro-
posal is very brief and general with respect to technical
approach. It does not even mention the 26 individual
tasks, much less demonstrate an understanding and correct
interpretation of them. Nor does it provide specific
approaches to the tasks. We believe the Army had no
reasonable alternative but to find the proposal unaccept-
able with regard to technical approach.

Software Associates states that to the extent it did
not meet the manhour and the technical approach require-
ments, it failed to do so because the statement of work was
not sufficiently specific to permit a more detailed
response. This position is not credible in view of the
fact that all other offerors were able to respond with
sufficient detail to be found technically acceptable. In
our view, the statement of work sets forth tasks with a
level of clarity and specificity that is typical of negoti-
ated procurements such as this. If the protester did find
the statement of work to be vague in any respect, it should
have requested clarification before the closing date rather
than ignoring the RFP's caveat to "address each requirement
of the Statement of Work and the manner in which these will
be satisfied to assure that the overall objectives of the
contract will be achieved."

The protester last questions the Army's finding that
it lacked the requisite experience to perform the require-
ment, asserting that the Army seems to have ignored the 30
years of work reflected in its proposal. The Army acknowl-
edges that Software Associates has extensive experience in
the field of technical publications writing and logistics
documentation, but regards this experience as only
indirectly related to the configuration management servies
required. The Army concluded that the proposal did not
show experience in configuration management.

Based on the record, we are unable to determine with
certainty whether the past contracts and personnel experi-
ence set forth in the proposal relate to configuration man-
agement or not. The protester has not presented any
specifics on this issue which would show to be unreasonable
the Army's assertion that the experience is not closely
related to the contract effort. Consequently, we conclude
that Software Associates has not borne its burden to
affirmatively prove its case. See Coherent Laser Systems,
Inc., B-204701, June 2, 1982, 82-1 CPD 517. In any event,
we observe that even if the Army has erred in its assess-
ment of experience and past performance, the numerous other
deficiencies enumerated by the Army provide ample support
for the determination of technical unacceptability. Thus,
we conclude that the protester's allegations concerning the
evaluation are without merit.

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The protest is denied.

Milton J. Socolar

for Comptroller General
of the United States