



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

HSQ Technology

Matter of:

B-227935

File:

Date:

October 2, 1987

---

### DIGEST

The General Accounting Office will not disturb an agency's decision that a technical proposal is unacceptable where the decision is supported by the information in the proposal and the evaluation materials, and is consistent with the criteria set forth in the solicitation.

---

### DECISION

HSQ Technology protests the award of a contract to Contrel under request for proposals (RFP) No. N00019-86-R-0028, issued by the Department of the Navy. The protester contends that its proposal improperly was found technically unacceptable, and complains that the contract was awarded at a higher price than that offered by HSQ.

We deny the protest.

The RFP sought offers for the acquisition, installation, integration and testing of a Tactical Aircrew Combat Training System, Ocean Tower Subsystem, which is comprised of a number of subsystems. The RFP provided that technical and cost factors would be weighted equally in proposal evaluation, and the award would be made to the offeror whose overall proposal represented the greatest value to the government. The RFP also listed three major technical evaluation criteria: Offeror's Technical Capability; Offeror's Experience/Background; and Offeror's Program Management Plan and Personnel Qualifications, with evaluation subfactors listed under each. In addition, section L of the solicitation provided detailed instructions concerning proposal preparation.

The Navy received offers from HSQ and Contrel. Both offerors were included in the competitive range and were given the opportunity to participate in discussions and to

040186

submit best and final offers (BAFO's). HSQ was asked to address a number of questions in the discussions and its BAFO. After BAFO's were evaluated, the Navy determined that HSQ's proposal was unacceptable and awarded the contract to Contrel. HSQ protests that the contract award to Contrel is improper, especially in light of the fact that Contrel proposed costs approximately twice those proposed by HSQ.

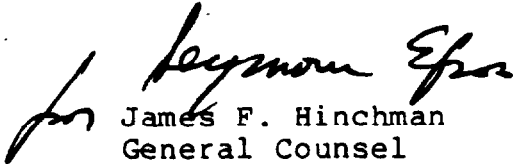
Before proceeding to the merits of the protest, we note that the Navy has asserted that its technical evaluation reports are proprietary information which should not be disclosed to HSQ or otherwise. HSQ has filed a Freedom of Information Act (FOIA) request with the Navy seeking this information but, to date, has not been given access to the evaluation documents. Accordingly, while we have reviewed HSQ's proposal and the evaluation materials in camera, our discussion of these materials necessarily is limited. See C.M.P., Inc., B-216508, Feb. 7, 1985, 85-1 CPD ¶ 156.

Our review of the evaluation documents shows that during the initial evaluation, the Navy found, overall, that the proposal submitted by HSQ was not detailed or specific, and did not explain what HSQ thought were the government's objectives. The Navy seriously questioned whether HSQ understood the requirements of the RFP and would be able to perform in accordance with the RFP and the Navy's needs. The Navy also found that HSQ's responses were inadequate for three of the four specified subsystems: the microwave subsystem, the fire protection subsystem, and the physical security subsystem. The Navy, in conducting discussions with HSQ, posed a series of questions concerning these and other deficient areas, to which the firm was expected to respond in its BAFO. The Navy found in evaluating the BAFO, however, that HSQ had not adequately addressed the Navy's concerns, and in many cases had not even responded to the questions raised. Following the evaluation of BAFO's, the Navy found the three specified subsystems deficient in numerous respects.

The overall determination of the relative desirability and technical adequacy of offered equipment is primarily the function of the procuring agency which, we have recognized, enjoys a reasonable range of discretion in proposal evaluation. Consequently, we will question an agency's technical evaluation only where the record clearly shows that the evaluation was conducted arbitrarily or in violation of procurement laws or regulations. DDL Omni Engineering, B-220075, et al., Dec. 18, 1985, 85-2 CPD ¶ 684.

Here, we recognize that HSQ is not in a position to present detailed arguments, since it does not have the evaluation materials. Nevertheless, our review of the record confirms that, in many instances, HSQ did not adequately address the requirements of the RFP in its initial proposal or in its BAFO. For example, in its BAFO, HSQ did not explain how it intended to carry out the functions of the microwave subsystem or of the physical security subsystem, matters that HSQ clearly knew from the Navy's questions were of serious concern to the agency. In sum, our analysis of HSQ's proposal and the evaluation materials simply provides no basis on which to object to the Navy's evaluation of the firm's proposal. Further, since the Navy properly concluded that the proposal was technically unacceptable, the fact that HSQ's proposal was lower in cost is irrelevant. See Advanced ElectroMagnetics, Inc., B-208271, Apr. 5, 1983, 83-1 CPD ¶ 360.

The protest is denied.

  
James F. Hinchman  
General Counsel