



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: General Instrument Corporation

File: B-228299

Date: November 24, 1987

DIGEST

1. Where amended solicitation did not require that all employees have specified security clearance prior to award or as a condition of award, protest that agency improperly accepted offer which showed that one proposed employee did not have required security clearance is without merit.
2. Agency's evaluation of the awardee's technical proposal is reasonable where the awardee's proposed staff meets the specific, material experience requirements set forth in the solicitation in which personnel is the most important technical evaluation factor.

DECISION

General Instrument Corporation protests the award of a contract to Jonathan Corporation under request for proposals (RFP) No. N00189-85-R-0357, issued by the Naval Supply Center, Norfolk, Virginia. General contends that Jonathan, whose low proposal was determined by the Navy to represent the "greatest value" to the government, failed to comply with material requirements of the solicitation and therefore was not entitled to the award.

We deny the protest.

Briefly, the RFP solicited proposals for an indefinite delivery/indefinite quantity time and materials contract for engineering and technical support services for several electronic warfare systems. The successful contractor would be issued task orders to perform the services as required. The RFP included precise minimum qualifications and level-of-effort estimates for certain labor categories that were required to be proposed--such as senior electronic field engineer, electronic field engineer, programmer and draftsman. The Navy evaluated the qualifications of each offeror's proposed personnel, which was of primary technical importance under the solicitation's evaluation scheme.

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Further, the offeror's proposed labor rate times the estimated man-hours for each category basically provided the basis for cost evaluation. After discussions and best and final offers, the Navy selected Jonathan's low proposal for award.

General first contends that personnel proposed by Jonathan failed to meet the mandatory solicitation requirement that such personnel hold a secret security clearance. The solicitation's instructions for preparation of proposals required that "all proposed personnel shall hold a SECRET security clearance, or must have held one within the previous 6 month period." However, paragraph H.5.4. of the RFP stated that "[c]ontractor personnel performing services under this contract shall have a security clearance of SECRET unless otherwise specified in the individual Delivery Orders issued." Additionally, amendment No. 3 to the solicitation incorporated the following question and answer, among others, which was distributed to all offerors:

"The clause [paragraph H.5.4.] does not require all personnel to have a secret clearance. It does require that personnel have a clearance of secret unless specified otherwise in the delivery order. Security will be a function of the task required and the contractor must have people cleared at the secret level in order to respond, since the government cannot wait for people to obtain clearances before tasks are awarded."

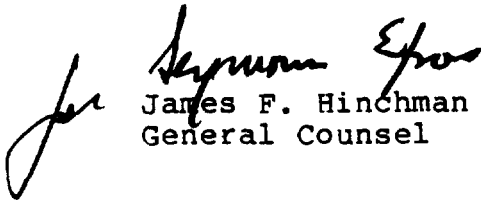
Despite this amendment, General contends that all proposed employees of an offeror, at least by the time of award, must hold secret security clearances. In this regard, the record shows that one mid-level employee of Jonathan, among 25 key employees proposed, did not hold a secret security clearance but is in the process of obtaining it after award.

Despite the language of the solicitation's instructions for preparation of proposals, we think that the solicitation, as amended, clearly does not require all employees to have security clearances prior to award and certainly does not establish that requirement as a condition for award. Rather, under the terms of the amended RFP, security is a function of the task orders issued under the awarded contract; moreover, we view the failure of one employee among 25 proposed Jonathan employees to have a secret security clearance prior to award as wholly insignificant, given the task order structure of this contract. Accordingly, we deny this protest ground.

Additionally, although General has not been provided with evaluation documents or with Jonathan's technical proposal,

General argues that Jonathan's proposal did not meet the experience requirements of the solicitation.^{1/} Specifically, General contends that Jonathan's six proposed senior electronic field engineers and four electronic field engineers did not meet the solicitation's minimum required qualifications for these employees. The RFP required senior electronic field engineers to have 10 years general experience and 6 years specialized experience in three or more of the five groups of electronic warfare systems to be maintained under this contract. Electronic field engineers were required to have 6 years of general and 4 years of specialized experience with two or more of the five groups of these electronic warfare systems. We have reviewed the resumes submitted by Jonathan, and the evaluation documents, and we find that the Navy reasonably found that Jonathan's employees met the experience requirements.

The protest is denied.


James F. Hinchman
General Counsel

^{1/} The evaluation documents and Jonathan's proposal were withheld by the Navy under the Competition in Contracting Act of 1984, 31 U.S.C. § 3553(f) (Supp. III 1985), which requires release of relevant protest documents to an interested party if the documents do not give that party a competitive advantage and that the party is otherwise authorized by law to receive. The Navy, however, made the documents available to our Office. We review such documents in arriving at our decision. Flight Systems, Inc., B-225463, Feb. 24, 1987, 87-1 CPD ¶ 210.