

Hutchinson



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Consolidated Industrial Skills Corporation

File: B-231669

Date: August 10, 1988

DIGEST

A solicitation's evaluation scheme which places substantial weight on an evaluation factor of prior experience in similar projects is not unduly restrictive of competition where contract work is of a complex nature and involves a large magnitude of responsibilities supporting Navy fleet combat training operations.

DECISION

Consolidated Industrial Skills Corporation protests the inclusion of certain provisions in request for proposals (RFP) No. N62470-86-R-9303, issued by the Naval Facilities Engineering Command, Atlantic Division, for base operating services at the Fleet Combat Training Center at Virginia Beach, Virginia. Specifically, Consolidated protests the inclusion of company experience in the solicitation's evaluation criteria as overly restrictive of competition.

We deny the protest.

The RFP, issued as a total small business set-aside, was part of a cost comparison to determine whether contracting for the work would be more cost-effective than continuing to perform it in-house. Under a contract, the contractor would operate and maintain the base facilities and utilities systems. In addition to overall management responsibilities, the technical specifications, in section C of the RFP, divided the technical responsibilities under the contract into seven functional areas: (1) electrical distribution systems; (2) heating, ventilation, refrigeration, and air conditioning systems; (3) heating plants and distribution systems; (4) buildings and structures (other than family housing); (5) waste water collection systems; (6) water distribution systems; and (7) buildings and structures (family housing).

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RFP section M, "Evaluation Factors for Award," paragraph M.1, "Significant Evaluation Factors," listed price as the most important evaluation criterion followed by these technical evaluation criteria: (1) experience in contract support, maintenance, repair and operation of the functional areas; (2) comprehension of specification requirements; (3) key management and supervisory personnel (overall management); (4) organizational and management plan (overall management); and (5) method of operation (overall management). The technical evaluation criteria were listed in descending order of importance, except that criteria (3) and (4) carried equal weight. In addition, offerors were to discuss (1) experience and (2) comprehension of specifications separately in each of the seven functional areas listed in the RFP. The other three evaluation factors were to be discussed in relation to overall management of the project.

The RFP, in section L, "Instructions, Conditions, and Notices to Offerors," also provided guidance to offerors in preparing their proposals. The RFP stated that offerors should clearly indicate their experience in providing similar services in government or comparable civilian projects of similar scope, size and complexity. It further provided that specific experience in accomplishing each of the functional areas should be addressed and that a listing of similar projects performed during the past 5 years should be included with the names of appropriate persons familiar with the projects. The RFP also stated that, in addition to experience, offerors should clearly demonstrate their understanding of the scope of the work by illustrating their proposed allocation of resources (both numbers and types) for each of the seven functional areas.

Consolidated objects to the Navy's consideration of an offeror's "experience"--in the types of work it will be called on to perform--as part of the evaluation of technical proposals. As a model of how it believes this procurement should be conducted, the protester points to another Navy solicitation for similar services in which, with regard to the various functional areas, offerors were required to illustrate in their technical proposals only their "proposed method of operation." Under that solicitation, the assessment of an offeror's experience was to be done in the preaward survey preceding the contracting officer's determination of an offeror's responsibility.

In contrast here, Consolidated argues, the emphasis in technical proposal evaluation on offeror experience in each of the seven functional areas severely limits the number of offerors that otherwise would be eligible to submit a

proposal. Consolidated argues that only firms which have previously contracted with the government will be "qualified" to compete and that there are few companies that have performed this type of contract yet are still eligible as small businesses to compete for this set-aside.

In preparing a solicitation for supplies or services, a contracting agency must specify its needs and solicit offers in a manner designed to achieve full and open competition. 10 U.S.C. § 2305(a)(1) (Supp. IV 1986). Consequently, when a solicitation provision is challenged as unduly restrictive, the initial burden is on the procuring agency to establish support for its contention that the provision is justified. Gates Construction Corp., B-229573, Dec. 14, 1987, 87-2 CPD ¶ 588. Once the agency meets this initial burden, we will uphold the requirement unless the protester shows that the requirement in fact is unnecessary and unreasonable. Marine Transport Lines, Inc., B-224480.5, July 27, 1987, 87-2 CPD ¶ 91.

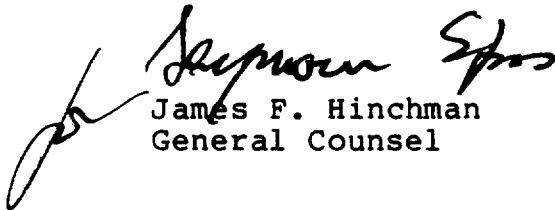
We do not find that Consolidated has shown that the Navy's justification of its emphasis on prior experience in evaluation of proposals is unreasonable. "Experience" is expressly recognized as a permissible evaluation factor by the Federal Acquisition Regulation § 15.605(b) (FAC 84-5). We have also upheld similar evaluation schemes which place substantial weight on an evaluation factor of prior experience. See, e.g., Gates Construction Corp., B-229573, supra, 87-2 CPD ¶ 588. The Navy states that the complex nature of the work and the magnitude of the responsibilities under the contract justifies including experience as an evaluation factor. The Commander of the Fleet Combat Training Center stated that the base population of more than 7,000 personnel, including 3,500 personnel in on-base berthing facilities, are completely dependent upon the reliable and safe operation of all utility systems, which would be under the direct management of any awardee of the contract. The Navy estimates that the current value of the facilities that would be maintained under the contract exceeds \$300 million. The Commander also indicated that the facilities which would be maintained by a contractor directly support the fleet operations and readiness in addition to the normal training and logistical support functions of the center. Under these circumstances, we believe the agency reasonably placed an emphasis on experience as an evaluation factor to help ensure that any contractor selected would timely complete the work under the contract with minimal problems of administration, quality control, and performance.

Consolidated apparently views the RFP's evaluation scheme's emphasis on experience in similar projects to mean that the Navy finds companies without such experience in all seven functional areas to be per se unable to support the required contract work and, therefore, ineligible to compete for award of the contract. To the contrary, the RFP also encourages prospective offerors to discuss fully how their firms could meet the requirements of the work to be performed and provides for evaluation of this information, as the second most important evaluation factor, in section M.1, b.(2), "Comprehension of Specification Requirements." Experience, albeit an important one, is only one of the evaluation criteria to be applied in evaluating proposals. According to the Navy, to be included in the competitive range and considered eligible for award, an offeror need not necessarily show experience in each of the seven functional areas.

We are also not persuaded by the protester's unsupported allegation that only a few small businesses will have prior experience in similar projects. We note that it is well established that the number of possible sources for an item or service does not determine the solicitation provision's restrictiveness. Doss Aeronautical Services, Inc., B-222914, Aug. 27, 1986, 86-2 CPD ¶ 232.

With regard to the other Navy procurement to which the protester has referred, we point out that each procurement is independent of any other and that factors that will be considered in evaluating proposals are to be tailored to each acquisition and include only those factors that will have an impact on the source selection decision. FAR § 15.605(a) (FAC 84-5). As to this solicitation, we cannot include that the Navy unreasonably included prior experience as an evaluation factor.

The protest is denied.



James F. Hinchman
General Counsel