

Ayer



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Campbell Engineering, Inc.

File: B-231126

Date: August 11, 1988

## DIGEST

1. Agency properly excluded offeror from competitive range where protester's proposal ranked sixth out of seven proposals received and the agency reasonably found that, despite the proposal's low estimated cost, its technical deficiencies were such that it had no reasonable chance of receiving the award.

2. Protest filed after award contending that solicitation is defective is untimely, since it alleges solicitation improprieties that were apparent before the initial closing date for receipt of proposals.

## DECISION

Campbell Engineering, Inc., protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. 8-H-8-EQ-61573, issued by the National Aeronautics and Space Administration (NASA) Marshall Space Flight Center, for a level-of-effort, cost-plus-fixed-fee contract to design and fabricate experimental models/hardware, and to operate government testing facilities. Campbell contends that its proposal was improperly evaluated, arguing that NASA misread the proposal and refused to enter into discussions concerning the proposal's readily correctable informational deficiencies.

We deny the protest in part and dismiss it in part.

The RFP stated that proposals would be evaluated under four equally important evaluation criteria: (1) four numerically weighted mission suitability factors (technical approach, key personnel, management plan, and technical resources); (2) cost factors; (3) experience and past performance; and (4) other factors such as financial capability.

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In reaching its competitive range determination, NASA numerically scored the seven proposals received on each of the mission suitability factors (the maximum possible score was 100 points) and, at the same time, rated (unacceptable, fair, average, good, and excellent) the proposals under the experience and past performance factor. The offerors received the following combined ratings in descending order of technical merit: 81.9/excellent (offeror 1), 81.5/good (offeror 2), 68.4/good (offeror 3), 66.5/fair (offeror 4), 61.4/good (offeror 5), 59.7/good (Campbell), and 54.0/average (offeror 7). Offerors 1 and 2 were found clearly technically superior (i.e., under mission suitability) to the other offerors and equal to or better than the other offerors in the area of experience and past performance. NASA considered all offerors essentially equal under the "other factors" criterion.

With regard to cost, offeror 1 and offeror 2 proposed the highest and second highest costs, respectively, while Campbell proposed the lowest cost. Nevertheless, the agency determined that the lower proposed costs of Campbell and the other offerors did not offset the high mission suitability ratings of offerors 1 and 2. On this basis, the agency limited the competitive range to offerors 1 and 2. Following discussions and best and final offers, the agency reevaluated those two offerors, and selected offeror 1 for negotiations leading to award on the basis of its lower evaluated cost since both firms were considered technically equal.

NASA notified Campbell that it had been excluded from the competitive range on the ground that the initial evaluation showed Campbell did not have a reasonable chance of being selected for award. NASA reports that the protester's low score resulted both from major weaknesses and from easily curable informational deficiencies. NASA perceived Campbell's proposal as having major weaknesses--lack of knowledge and experience--in four critical mission suitability areas: (1) rotating machinery (turbines, turbopumps); (2) strain gauge balances; (3) facility operation; and (4) special quality control testing. In NASA's view, these weaknesses were not susceptible to correction without major revisions to Campbell's proposal.

Campbell questions the importance of each of the cited weaknesses, contending they are just easily cured informational deficiencies. Further, the protester states that it would not be necessary to revise its proposal because the proposal already contains a clear in-depth statement of Campbell's knowledge and experience in each questioned area.

The Competition in Contracting Act of 1984, 10 U.S.C. § 2305(b)(4)(B) (Supp. IV 1986), requires that written or oral discussions be held with all offerors within the competitive range, which includes all proposals that have a reasonable chance of being selected for award. See Federal Acquisition Regulation § 15.609(a) (FAC 84-16). In reviewing complaints about the reasonableness of the evaluation of a technical proposal, and the resulting determination of whether an offeror is within the competitive range, we do not independently reevaluate the proposal. Our review is limited to determining whether the agency's evaluation was reasonable and otherwise free from violations of procurement laws and regulations, since procuring officials are entitled to a reasonable degree of discretion in evaluating proposals. W&J Construction Corp., B-224990, Jan. 6, 1987, 87-1 CPD ¶ 13.

#### PROPOSAL EVALUATION-ROTATING MACHINERY

Offerors were expected to demonstrate their knowledge and experience with rotating machinery such as turbines and pumps since the contractor would be tasked with the design and construction of turbine test equipment as well as with providing test support for NASA's Alternate Turbopump Development Program.

The protester's arguments regarding its knowledge and experience with rotating machinery rest not on the technical approach portion of its proposal, but on segments of the proposal's key personnel and business sections. In this regard, the protester points to: (1) three resumes (a program manager, a senior lead designer, and a senior lead machinist) which briefly mention past experience with rotating machinery; and (2) its experience under a 1986 low air speed turbine contract and under a 1980 liquid oxygen and liquid hydrogen high speed ball bearing testers contract. We find the above references insufficient to overcome the agency finding that Campbell lacked the required knowledge and experience.

The record shows that the offerors were on notice that the work included rotating machinery. Specifically, the RFP required the design of propulsion system internal flow models, and the preproposal conference materials clearly identified work with turbines and pumps. Also, after the preproposal conference, the RFP was amended (amendment 1, attachment 3) to advise offerors that government furnished turbopump components would be limited to turbine blades and nozzles, and that both main assembly drawings and performance specifications for the Shuttle's main engine turbopump were "available for perusal for proposal purposes." Despite these statements of agency interest in rotating machinery,

the technical approach section of Campbell's proposal merely alludes to the subject in two places: (1) under the heading "Model Design," Campbell cites, as an example of a model that would require innovative approaches, a model of the Shuttle's main engine hot gas manifold, which includes a turbine exit, and (2) under the heading "Measurements in 3-d Flows," Campbell touches on some problems associated with the swirl from the turbine exits.

Offerors are responsible for preparing their proposals in a manner that establishes that what is offered will best meet the government's needs, and agencies are not obligated to search out omitted information or to credit offerors for information that they may have but omitted. Professional Analysis, Inc., B-224096, Nov. 18, 1986, 86-2 CPD ¶ 579. In our view, the three resumes and two contracts cited by the protester are an insufficient basis for questioning the agency's determination that Campbell's proposal suffered from a major weakness since neither the resumes nor the contracts provide any narrative describing how the past experience might relate to the work required by the instant solicitation. Further, the protester's proposal shows that Campbell was aware of the need to support NASA in the area of rotating machinery. Under technical resources, on page 79, the proposal states that the need for a turbine engineer to provide expertise for the turbine facility is recognized and that the expertise will be hired when the need arises. In view of Campbell's knowledge of the requirement and failure to fully address it, we think NASA properly found the proposal to be deficient in this area.

#### PROPOSAL EVALUATION-STRAIN GAUGE BALANCES

Likewise, we find no merit in the protester contention that its proposal demonstrated its in-depth knowledge and experience in the design and calibration of strain gauge balances.<sup>1/</sup> The RFP's technical requirements section specified that balances were among the types of experimental hardware that the contractor would be required to design and fabricate. Moreover, at the preproposal conference, the offerors were given two technical handbooks which discussed the importance of balances in detail.

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<sup>1/</sup> NASA uses internal strain gauge balances to measure all model force and moment data. The most commonly used balance is a six-component balance that measures normal force, side force, pitching moment, yawing moment, rolling moment and axial force.

Again, Campbell's proposal evidenced the protester's knowledge of the importance of the requirement--"The success of every test program is dependent upon reliable instrumentation which will produce accurate test data"--and then generally fails to address the subject beyond asserting that two Campbell employees can meet the need, and providing, essentially, only the following two-sentence description of what a strain gauge balance does:

"Force and moment data are acquired from balances, located in the model and/or sting. Strain gauges bonded to the balances actually generate the force/deflection data."

We find this an insufficient basis to challenge the agency finding that Campbell's failure to discuss balances was a major weakness. First, the proposal did not explain how Campbell would address the requirement to design and build the balances. Second, only one of the two cited employees' resumes even refers to balances, and that mention is limited to the statement that the man had some previous NASA experience with "balance calibration." Third, we find no merit in the protester's belated attempt to direct NASA's attention to the resumes of two other employees (a senior lead designer and a designer) that were not specifically pointed out in its initial submission since the decision not to mention them in relation to balances earlier may indicate Campbell's intent to use them in some other capacity if awarded the contract. In any event, their experience appears limited to undescribed design efforts for prior employers. Moreover, there is no explanation of how Campbell currently uses the employees' skills in the area of balances or of how Campbell intended to use the men to meet NASA's current requirement. We agree with NASA that this constituted a major weakness.

#### PROPOSAL EVALUATION-FACILITY OPERATION

We agree with NASA's assertion that Campbell's failure to indicate facility operation experience relevant to the scope of work constituted a major weakness in the proposal.

The RFP's scope of work stated that the contractor should be able to perform task assignments requiring: (1) the installation of government-furnished instrumentation systems and test support hardware in NASA facilities; (2) conducting tests for NASA using government facilities; (3) inspection/checkout and calibration of government test equipment; and (4) planning and running experimental test programs in NASA facilities.

Campbell contends that its experience in facilities operations is shown in both its technical proposal and its business proposal. For example, Campbell argues that figure 2.2-1 of its technical proposal shows the necessary experience. We disagree. The cited figure consists of a matrix chart, entitled "Staff Experience with Test Facilities," listing a number of facilities on one axis and offeror staff on the other axis. The chart only indicates that certain members of the offeror's staff have had some kind of experience with certain facilities. The protester's chart provides no explanation of what the claimed experience with the test facility consisted of, or how such experience might relate to the work required under the instant solicitation.

Moreover, we see no merit in Campbell's further contention that its business proposal demonstrates the necessary experience. The protester mentions a current NASA contract whose scope of work includes "operational support of the various mechanisms test beds located at the [Marshall Space Flight Center]." However, there is no indication of what kind of operational support NASA required, or if it bears any relationship to what might be required under the instant solicitation. The proposal references another contract with a private firm which indicates that Campbell was required to work extensively in a test facility, but does not show that Campbell was responsible for operating the facility.

#### PROPOSAL EVALUATION-SPECIAL QUALITY CONTROL TESTING

The record further supports NASA's assertion that Campbell's proposal was weak in its presentation concerning the non-destructive testing aspects of special quality control testing. However, we doubt that this is properly characterized as a major weakness. In this regard, we note that the evaluators found a major strength of the protester's management plan to be that its quality control department was in full compliance with military standard Mil-Q-9858A. Such compliance indicates to us that the issue of non-destructive testing could be curable through discussions. Nevertheless, in view of the other major weakness discussed above, this would not make a difference in our conclusion that Campbell was properly excluded from the competitive range.

#### ADDITIONAL ISSUE

Finally, Campbell objects to the RFP's failure to establish "any standards of education, experience or training" against which offerors' proposed personnel would be evaluated, urging that this deficiency improperly made the education, experience and training of the incumbent contractor's personnel the de facto standard against which the proposals

were evaluated. The protester contends this is improper because the evaluation thus considered factors not set forth in the RFP. We find the argument both lacking in merit and untimely raised.

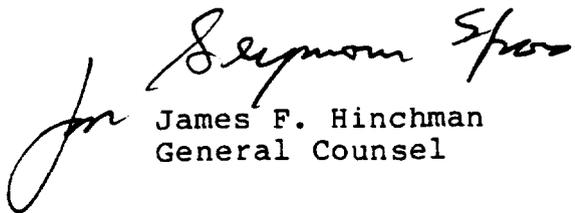
The RFP plainly stated that the key personnel evaluation factor would be used to evaluate the technical competence of skilled personnel to carry out the proposed requirement, including their previous experience with the type of effort proposed, and that the evaluation would consider education, experience, past performance, appropriateness, and any special qualifications of proposed personnel. The RFP directed offerors to identify their key personnel and provide resumes containing background, education and experience. Even though the RFP does not state a "standard" against which the information provided will be judged, we think it obvious that any offeror, whether or not it is the incumbent, offering a slate of personnel with more education, more experience, and a more appropriate background will receive a higher score under the key personnel factor than an offeror proposing less. This does not amount, in our view, to use of an improper standard.

To the extent that the protester contends the RFP should have expressly stated a standard, the protest is untimely, because this contention constitutes an allegation of a solicitation impropriety that was apparent before the closing date for receipt of initial proposals. Our Bid Protest Regulations require the filing of protests based upon alleged improprieties in a solicitation before the closing date. 4 C.F.R. § 21.2(a)(1) (1988). Since Campbell's protest raised these issues after that date, it is untimely. Terry B. Armentrout Engineering & Business Consulting, B-222311, May 23, 1986, 86-1 CPD ¶ 485.

In summary, NASA recognized that many of the weaknesses found in Campbell's proposal were minor and correctable during discussions. However, some, such as the firm's lack of knowledge and experience in the area of rotating machinery, are more significant and would require a major effort by the offeror to correct. We have held that a marginally acceptable or generally adequate proposal may be excluded from the competitive range where, as here, it does not have a reasonable chance for award. Leo Kanner Associates, B-213520, Mar. 13, 1984, 84-1 CPD ¶ 299. In view of the weaknesses in Campbell's proposal and its

relative standing in the competition, we find that NASA's exclusion of Campbell from the competitive range was reasonable.

The protest is denied in part and dismissed in part.

A handwritten signature in cursive script, appearing to read 'James F. Hinchman', is written over the typed name and title.

James F. Hinchman  
General Counsel