



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** LinCom Corporation

**File:** B-242459

**Date:** April 25, 1991

Leon Biederman and James V. Cannon for the protester.  
Roger D. Waldron, Esq., General Services Administration, for  
the agency.  
Barbara C. Coles, Esq., and Christine S. Melody, Esq., Office  
of the General Counsel, GAO, participated in the preparation  
of the decision.

### DIGEST

Where agency's evaluation of proposals was fair and reasonable  
and in accordance with the solicitation's stated evaluation  
criteria, and where protester's and awardee's proposals were  
reasonably determined to be essentially technically equal,  
price properly became the determining factor for award.

### DECISION

LinCom Corporation protests the award of a contract to Booz  
Allen & Hamilton Inc. under solicitation No. GSC-OIT-0519,  
issued by the General Services Administration (GSA) for the  
development of a MILSTAR Operational Considerations Report and  
a MILSTAR Service Analysis Tool (MSAT) users guide for the  
Department of the Navy. LinCom alleges that the agency  
improperly evaluated its proposal.

We deny the protest.

The solicitation, issued on September 24, 1990, contemplated  
the award of a firm, fixed-price contract and sought prices  
and technical proposals for the development of a MILSTAR  
Operational Considerations Report and an MSAT users guide to  
assist users in effectively employing the MSAT program. The  
work called for by the RFP is in support of planning for the  
use of the MILSTAR system, an advanced satellite communica-  
tions system under development for Navy fleet communications.

The solicitation advised offerors that the agency would award a contract to the responsible offeror whose proposal was most advantageous to the government considering price and other factors. With regard to price, the solicitation advised offerors that price may be the determining factor in the government's selection decision, provided there were no significant technical differences among the proposals. The solicitation also described the factors that the agency would use in the technical evaluation. The following three technical evaluation criteria were listed in descending order of importance: (1) technical approach, (2) staffing plan, and (3) project management plan.

Two firms submitted proposals by the October 16 closing date. After the initial evaluation, the agency determined that the two offerors, Booz Allen and LinCom, were within the competitive range. Discussions were held and best and final offers (BAFO) were requested with a November 7 due date.

After the evaluation of the offerors' BAFOs, which contained no technical changes, Booz Allen received a technical score of 170 and LinCom received a technical score of 150, out of a total of 185 available points. Booz Allen's BAFO price (\$126,191) was lower than LinCom's (\$130,500). Because there was only a 20 point difference between Booz Allen's and LinCom's technical scores, the contracting officer determined that there was no significant technical difference in the technical quality of the proposals, and made award to Booz Allen, the low-priced offeror. LinCom's protest to our Office followed.

LinCom contends that the award was improper because its proposal was technically superior to the awardee's and a proper evaluation would have revealed that it represented the "best value" to the government despite its higher price. LinCom bases its claim of technical superiority on its status as the developer of the MSAT software.<sup>1/</sup>

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<sup>1/</sup> Initially, LinCom also argued that it is the best qualified contractor to perform the requisite systems engineering support due to modifications to the MSAT software. LinCom charged that since MSAT is undergoing revision, it is the best qualified contractor in the following areas: documentation; multiple platforms; and software optimization. LinCom also asserted that due to its systems engineering reputation and its status as the developer of MSAT, the government would realize a significant savings because an award to LinCom would relieve the government from having to exercise the options under line items 0002, 0004, and 0005, relating to additional or final versions of the draft reports called for by line

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The agency disagrees with LinCom's assessment of the evaluation as improper and argues that LinCom's reliance on its status as the developer of the MSAT program as the basis for challenging the evaluation is misplaced. In this regard, the agency states that while there was no significant difference in the overall technical quality of the proposals, LinCom's proposal did, in fact, contain some deficiencies that warranted downgrading by the agency and, thus, precluded it from receiving a higher evaluation score.

In reviewing protests against allegedly improper technical evaluations, our Office will examine the record to determine whether the agency's judgment was reasonable and in accord with the listed criteria. Ross Aviation Inc., B-236952, Jan. 22, 1990, 90-1 CPD ¶ 83. A protester's mere disagreement with the agency's judgment or belief that its proposal should have received a higher score is itself not sufficient to establish that the agency's evaluation was unreasonable. VGS, Inc., B-233116, Jan. 25, 1989, 89-1 CPD ¶ 83. Here, after reviewing the record, we conclude that the evaluation was fair and reasonable and in accordance with the RFP's stated evaluation criteria.

Under the technical approach factor, the agency found that LinCom failed to address its knowledge and experience concerning the use of the Fleet Satellite Communications Extremely High Frequency Program (FEP) and the differences between FEP and MILSTAR. The protester disagrees and argues that the agency improperly downgraded its proposal in this area because the solicitation sought services related to MILSTAR analysis, not FEP, and thus any discussion about FEP would have been irrelevant to the work contemplated under the solicitation.

The protester's argument that the agency improperly downgraded its proposed technical approach in this area is not supported by the record. The solicitation specifically advised offerors that "the technical approach will be evaluated on its feasibility, practicality, and appropriateness in accomplishing the tasks and deliverables identified in

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Items 0001 and 0003. In its comments on the agency report, the protester did not rebut the agency's response to these allegations. Therefore, we consider LinCom to have abandoned them. See Prison Match, Inc., B-233186, Jan. 4, 1989, 89-1 CPD ¶ 8. In any event, LinCom's argument in these areas is merely an extension of its central contention that as the developer of the software, it must be technically superior to any other offeror, a contention which, as discussed above, we find unpersuasive.

Section C." One of section C's tasks required the contractor to perform a technical analysis of operational considerations, which included the requirement that the contractor, at a minimum, address and analyze the differences between MILSTAR and FEP. Since the protester was thus on notice that discussion of FEP was required, it was imperative that LinCom either include such discussion in its proposal or timely object to the requirement as irrelevant prior to the closing date for receipt of proposals.

The agency also had a reasonable basis to downgrade the LinCom proposal because it merely stated, but did not substantiate, that the firm understood the differences between the two programs. The statement, standing alone, does not establish that the protester in fact understood the differences or what those differences entailed. To the extent that the protester claims it is the technically superior offeror--and thus presumably offered the superior technical approach--because it developed the MSAT software, this claim is unpersuasive. An agency must base its technical evaluation solely upon the information furnished in the proposal rather than on presumptions favoring an offeror based on its prior performance. See Intelcom Support Servs., Inc., B-225600, May 7, 1987, 87-1 CPD ¶ 487. Since the proposal lacked the required information regarding the extent of LinCom's FEP knowledge and, thus, the assurance that the firm possessed this knowledge, the agency properly downgraded the proposal.


With regard to the project management area, the agency found that while Booz Allen submitted a detailed and comprehensive project management plan which identified a series of review levels for all technical work to be performed under the contract, LinCom's proposal failed to clearly set forth its system for program management and quality control. As a result, the agency downgraded LinCom's proposal.

We find that there was ample evidence in each offeror's proposal to support the agency's evaluation and determination that Booz Allen's project management plan was better than LinCom's project management plan. In this regard, Booz Allen's proposal demonstrated consistent hands-on involvement and review in various levels within its management organization, whereas LinCom's proposal merely designated the primary review responsibility at the project manager and task leader levels. In doing so, LinCom did not avail itself of lower level review procedures that would inevitably involve more personnel and, thus, provide experience that ultimately would be beneficial if the task leaders or the project manager were not able to review certain tasks.

Finally, concerning the staffing plan factor, the record shows, based on the resumes submitted, that the agency found the staffing plans of both offerors to be excellent. In this regard, the resumes submitted by both offerors presented the qualifications, education, and experience that showed suitability for performing the work contemplated under the solicitation. To the extent that the protester argues that its resumes indicate that its proposed personnel are the same software personnel who designed, built, and tested the MSAT software and, thus, it should have received a higher score than Booz Allen, the record indicates that Booz Allen's personnel are just as capable of successfully performing the requirements under the contract. The protester's mere disagreement with the evaluation in this area does not establish that the evaluation was unreasonable. See VGS, Inc., B-233116, supra.

We find that there was ample support in each offeror's proposal to support the agency's evaluation and determination that the proposals of Booz Allen, with a technical score of 170 points, and LinCom, with a technical score of 150 points, did not have any significant technical differences and, therefore, were essentially technically equal. When proposals are reasonably viewed as essentially technically equal, as here, price properly becomes the determining factor in the selection of the awardee. Cajar Defense Support Co., B-239297, July 24, 1990, 90-2 CPD ¶ 76. Accordingly, the agency acted properly in making award to Booz Allen.

The protest is denied.

  
for James F. Hincnman  
General Counsel