



Comptroller General
of the United States

Washington, D.C. 20548

144715

Decision

Matter of: Ronnoc, Inc.

File: B-243729

Date: August 19, 1991

JoAnn Connor for the protester,
Allen W. Smith, Department of Agriculture, for the agency,
Paula A. Williams, Esq., Glenn G. Wolcott, Esq., and Paul I.
Lieberman, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Agency properly excluded protester's proposal from the competitive range where the proposal did not demonstrate any operational experience and only limited other experience and understanding of the RFP's requirements, and offered higher cost than did other offerors.

DECISION

Ronnoc, Inc. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. 49-91-01, step one of a two-step acquisition, issued by the Department of Agriculture, Forest Service, to design and develop a training curriculum to support the National Wildfire Coordinating Group's (NWCG) Incident Command System (ICS).^{1/} Ronnoc argues that its proposal was improperly evaluated and was unreasonably excluded from the competitive range.

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

^{1/} The NWCG was established to provide constructive cooperation and coordination of the fire management programs of various agencies. The National Interagency Incident Management System (NIIMS) is a comprehensive management system adopted and sponsored by NWCG to respond to any type of emergency. NIIMS includes five subsystems, one of which is the ICS. ICS is the on-scene management system, which includes the operating requirements and interactive management components for organizing and operating the NIIMS.

The RFP, issued on February 22, 1991, contemplated the award of a labor-hour contract to obtain the services of a contractor who can design and develop a generic ICS curriculum that is applicable in a wide variety of circumstances, and who can provide common incident organization and management responsibility training for all users of the ICS. The RFP required each offeror to discuss its technical approach in sufficient detail and specifically address each of the technical evaluation criteria separately.

The RFP provided that award would be made to the firm whose proposal was the most advantageous considering technical, cost or price, and other factors. In this regard, the RFP informed offerors that technical considerations were more important than price. Technical proposals were to be evaluated in the following three areas listed in descending order of importance: (1) knowledge and experience in ICS, including the theory and concepts of ICS; (2) past experience in developing training curricula, course designs, and development of course materials; and (3) understanding the requirements of this solicitation. Each of the three technical criteria had various stated subcriteria. The solicitation also informed offerors that price proposals would be evaluated based on labor-hour cost, travel cost, and estimated overall cost to the government.

Nine firms submitted proposals in response to the RFP. The evaluation panel used an adjective rating system of "highly acceptable," "acceptable," "marginally acceptable," and "unacceptable" to evaluate the technical proposals. Ronnoc's proposal was rated unacceptable under the first, most important technical criterion, and marginally acceptable under the other two criteria. Ronnoc's cost proposal was the fourth highest out of the nine proposals submitted. Overall, Ronnoc's proposal was rated marginally acceptable. Based on the technical evaluation and the fact that Ronnoc had proposed the fourth highest cost, the contracting officer concluded that Ronnoc's proposal did not have a reasonable chance of being selected for award and excluded it from the competitive range.^{2/}

Ronnoc protests the evaluation of its proposal and the decision to exclude its proposal from the competitive range. The protester disputes the rating it received under each of the evaluation criteria, alleging that the agency misevaluated its proposal and ignored the extensive experience of its key personnel in ICS training.

^{2/} Three other proposals were also excluded from the competitive range at that time.

The evaluation of technical proposals and the resulting determination of whether a proposal is within the competitive range is primarily a matter of agency discretion which we will not disturb unless it is shown to be without a reasonable basis or inconsistent with the evaluation criteria listed in the RFP. Third Millennium, Inc., B-241286, Jan. 30, 1991, 91-1 CPD ¶ 91; National Contract Management Servs., B-240564, Dec. 3, 1990, 90-2 CPD ¶ 446. A protester's disagreement with the agency's evaluation is itself not sufficient to establish that the agency acted unreasonably. United HealthServ Inc., B-232640 et al., Jan. 18, 1989, 89-1 CPD ¶ 43. Here, we conclude that the evaluation was conducted in accordance with the stated evaluation criteria and we find the agency's evaluation of Ronnoc's proposal was reasonable.

Under criterion 1, the most important technical evaluation area, Ronnoc's proposal was rated unacceptable because it did not demonstrate ICS operational experience. Criterion 1 and its subcriteria sought proposals that demonstrated experience in a broad range of ICS operations with a variety of agencies and organizations.

Ronnoc specifically refers to page 5 of its proposal, asserting that this paragraph "outlined that our experience included multi-agency and all risk/fire experience through a two year contract with the Federal Emergency Management Agency (FEMA)." However, in this portion of the proposal, Ronnoc only stated that it had evaluated training courses under the FEMA contract, that Ronnoc's president has experience in "design, development and instruction of K-12 and Adult Education," that she served as the "Educational Consultant on the FEMA Course Evaluation contract," that she "received train-the-trainer instruction in ICS through both FEMA and NFA/LEICS (Law Enforcement ICS)," and that she "was qualified and listed by both the Office of Personnel Management and General Services Administration to their Organizational Services Network to serve requesting agencies with technical assistance and training." None of the items mentioned demonstrated actual experience in ICS operations for which criterion 1 stated proposals would be evaluated.

Under criterion 2, proposals were evaluated for prior experience in developing incident operational training courses and performing course instruction. Ronnoc's proposal was rated marginally acceptable under this criterion. Although Ronnoc's proposal indicated it had evaluated ICS courses under a 2-year contract with FEMA, it did not indicate that it developed the courses evaluated. Further, although Ronnoc's


proposal generally referred to other contracts involving training design and development, it is not clear that any Ronnoc personnel actually acted as an instructor in those courses or that the courses dealt with ICS operations.

Under criterion 3, proposals were evaluated to determine the offeror's understanding of the RFP requirements. Ronnoc's proposal was rated marginally acceptable under this criterion. Contrary to the RFP's instructions, Ronnoc did not specifically address each of the technical evaluation areas separately in its proposal. Further, it appears that in portions of its proposal, Ronnoc simply rewrote the information contained in the solicitation.

In sum, the record shows that Ronnoc's proposal did not demonstrate experience in ICS operations, demonstrated limited experience in developing training curricula and instruction, and reflected a limited understanding of the RFP's requirements. Thus, we see nothing unreasonable in the evaluation of the proposal or in the decision to exclude Ronnoc's proposal from the competitive range. See Delta Ventures, B-238655, June 25, 1990, 90-1 CPD ¶ 588.

In its comments on the agency's report, Ronnoc, for the first time, asserted that the solicitation failed to adequately identify the agency's needs because the experience requirements called for in the solicitation lacked specificity. This allegation, filed after the closing date for receipt of proposals, is untimely and will not be considered. Under our Bid Protest Regulations, a protest based on alleged improprieties in a solicitation, which are apparent on the face of the solicitation, must be filed prior to the time set for receipt of proposals. 56 Fed. Reg. 3,759 (1991) (to be codified at 4 C.F.R. § 21.2(a)(1)); see also National Contract Management Servs., B-240564, supra.

The protest is denied in part and dismissed in part.


for James F. Hinchman
General Counsel