



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Systems Dynamics, Inc.

**File:** B-245666.2

**Date:** March 11, 1992

Robert G. Taylor for the protester.  
Timothy B. Harris, Esq., Wickwire Gavin P.C., for DHD Systems, Inc., an interested party.  
Theodore K. Kasna, Department of the Treasury, for the agency.  
Barbara C. Coles, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

1. Protest that an agency improperly evaluated protester's proposal is denied where record shows that the agency's evaluation of the proposal was reasonable and in accordance with the solicitation's evaluation criteria.
2. Protester does not have the direct economic interest to be considered an interested party to protest the reasonableness of the cost-technical tradeoff decision where the protester would not be next in line for award--based on its evaluation score--if the protest were sustained.

### DECISION

Systems Dynamics, Inc. (SDI) protests the award of a contract to DHD Systems, Inc. under request for proposals (RFP) No. CS-91-022, issued by the Customs Service, Department of the Treasury, for automatic data processing (ADP) services. SDI alleges that the agency failed to follow the RFP evaluation criteria in evaluating proposals and that SDI should have received the award as the low-priced, technically acceptable offeror.

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

The RFP, issued on February 4, 1991, contemplated the award of an indefinite delivery, indefinite quantity contract for technical assistance including, but not limited to, training, testing, and technology assessment studies. The solicitation advised offerors that the agency would award a contract to the responsible offeror whose proposal was most advantageous to the government considering the evaluation

factors involved. The solicitation stated that the technical evaluation would be worth 70 percent of the final score and listed the following factors with their relative weights: (1) understanding the work required (10 percent); (2) technical approach (15 percent); (3) contract management plan (10 percent); (4) corporate experience and qualifications (10 percent); and (5) technical staff (25 percent). Under the technical staff criterion, the RFP required offerors to submit resumes for each key personnel position proposed. The RFP contained minimum qualifications and experience requirements for each position. The solicitation advised offerors that price would be worth 30 percent of their total score.

Nine firms submitted proposals by the March 18 closing date. After the initial evaluation, the agency determined that six offerors, including SDI and DHD, had submitted proposals that were within the competitive range. Discussions were held and best and final offers (BAFO) were requested by June 21.

After the technical evaluation team's (TET) evaluation of the offerors' BAFOs, the contracting officer ranked DHD's proposal technically superior to the other five proposals; SDI's proposal was ranked fourth. The agency determined that DHD's technically superior proposal warranted its higher proposed price. Therefore, the agency determined that DHD's proposal was the most advantageous to the government and awarded the contract to DHD. SDI's protest to our Office followed.

SDI argues that the agency did not adequately discriminate between proposals and improperly downgraded its proposal in the technical staff area by improperly assessing SDI's technical staff as "mediocre in caliber" despite the fact that each individual that SDI proposed had the education and years of experience required by the RFP.

In reviewing an agency's technical evaluation, we will examine the record to ensure that the evaluation was reasonable. Information Sys. & Networks Corp., 69 Comp. Gen. 239 (1990), 90-1 CPD ¶ 203. A protester's disagreement with the agency's judgment is not sufficient to establish that the agency acted unreasonably. United HealthServ. Inc., B-232640 et al., Jan. 18, 1989, 89-1 CPD ¶ 43. Here, after reviewing the record, we conclude that the evaluation was reasonable and in accordance with the RFP's stated evaluation criteria.

Generally, the agency found that even though the RFP set forth the agency's general and specialized experience requirements for the labor categories listed in the solicitation, the protester nevertheless failed to show that

its proposed personnel had the requisite experience. As a result, TET downgraded SDI's proposal in the technical staff area because a comparison of the general and specialized experience of SDI's proposed staff with the experience required in the solicitation showed weaknesses for SDI's proposed personnel.

For example, with regard to the testing specialist positions, the solicitation required more than 8 years of general experience and 4 years of specialized experience. The solicitation called for such specialized experience as knowledge of the Customs Service's mission and procedure in addition to experience working its hardware, software, and telecommunications environment as well as the test tools used at the Customs Service. The majority of SDI's proposed specialists lacked this specialized experience. SDI proposed one individual who lacked the required 8 years experience in developing, testing and implementing ADP systems in addition to proposing another individual who lacked the required 4 years of specialized experience testing and verifying ADP systems on large on-line transaction based systems. SDI proposed at least three individuals whose resumes did not demonstrate required experience in integration and acceptance testing.

As another example, for the system analyst positions for training and documentation, the RFP required familiarity with PHOENIX computer based training administration as well as a basic understanding of PHOENIX EASE Authoring. The resumes that SDI submitted for its five proposed analysts did not demonstrate the requisite PHOENIX familiarity. The resumes of SDI's proposed analysts showed other weaknesses regarding the experience required by the RFP--one individual lacked the required 2 years of general experience in large scale mainframe computer environments and another individual lacked experience and knowledge regarding instructional system development principles. The resume of one proposed individual failed to show that the individual had the in-depth knowledge of training techniques for technical subjects that the RFP also required.

We find that, while SDI's proposal did demonstrate that its proposed staff had specialized experience for some of the requirements, it failed to show that proposed staff had the requisite experience for other requirements. We conclude that the agency properly evaluated this aspect of SDI's proposal.


The protester also argues that the agency failed to consider properly the cost differential between DHD and SDI in selecting DHD for award. To support its argument, the protester states that the agency could not reasonably make award to DHD, the higher priced offeror, as most advanta-

geous to the government because the awardee's technical score is only 16.2 percent higher than SDI's, but its price is over \$2 million higher than SDI's.

Under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1991), a protester must be an "interested party" before we will consider its protest. An interested party for purposes of eligibility to protest must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract. A protester is not an interested party if it would not be in line for award if its protest were sustained. See Hydrosience, Inc., B-227989; B-227989.2, Nov. 23, 1987, 87-2 CPD ¶ 501.

SDI is not an interested party to protest the reasonableness of the agency's cost-technical tradeoff decision. Our review of the record shows that the contracting officer determined that DHD should be awarded the contract on the basis of the highest combined total technical and price score, and that DHD's superior technical proposal warranted its higher proposed price. The record also shows that the next highest evaluated offeror was Bart and Associates, Inc., followed by Authorization Systems, Inc. SDI is the fourth ranked. Thus, even if SDI's protest that DHD should not have received the award based on an improper cost-technical tradeoff were sustained, the protester is not next in line for award based on the evaluation results. Consequently, SDI is not an interested party. See Dynalelectron Corp.--PacOrd, Inc., B-217472, Mar. 18, 1985, 85-1 CPD ¶ 321.

The protest is denied in part and dismissed in part.

  
for James F. Hinchman  
General Counsel