



Comptroller General
of the United States
Washington, D.C. 20548

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Decision

Matter of: Wells & Bridges, Inc.

File: B-249496

Date: November 9, 1992

Cynthia L. Shearer for the protester.
Evelyn R. Morse for Ver-Lyn Enterprises, Inc.; Arthur Pitts;
and Robert A. Derr, interested parties.
Nora A. Huey, Esq., and Michelle Harrell, 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

Protest that solicitation requirement for detailed profiles of proposed instructors to teach procurement courses is unduly restrictive of competition is denied where agency reasonably concluded that individuals with specialized non-lecture based training skills and procurement expertise are needed and that consideration of profiles as part of proposal was necessary to ascertain whether the successful contractor's personnel are qualified to teach the courses.

DECISION

Wells & Bridges, Inc. protests as unduly restrictive the requirements in request for proposals (RFP) No. FCXA-S4-92-0005-N, issued as a small business set-aside for instructional services. Wells & Bridges contends that the requirement that offerors submit detailed individual instructor profiles effectively excludes small businesses from competing.

We deny the protest.

BACKGROUND

In 1979, the Federal Acquisition Institute (FAI) surveyed more than 20,000 federal employees to collect data on the tasks performed by personnel in contract management and related fields. This survey culminated in the publication of the draft Curriculum Design Outlines in April 1985. In the fall of 1985, the Administrator of GSA directed FAI to perform a government-wide study of procurement training and

to develop a set of blueprints for training in the duties and tasks identified in the Curriculum Design Outlines. To support this effort, an interagency advisory committee was established consisting of procurement and instructional design specialists and consultants from various agencies. FAI developed a procurement curriculum and converted the blueprints into the Contract Specialists Workbook.

GSA has adopted the FAI curriculum and contract specialist certification program. The GSA program covers 78 contracting duties identified by FAI. According to GSA, the ultimate goal of the course curriculum is to produce students who have the knowledge and skills needed to successfully enter the procurement workforce.

Instructors conduct training in accordance with the Instructor's Guide developed by FAI. The FAI curriculum is designed to emphasize interaction between the instructor and students. Under the FAI methodology, instructors use various non-lecture based learning or instructional methods to reinforce student learning.

On June 23, 1992, GSA issued the RFP at issue calling for qualified personnel to conduct instructional services for three procurement courses: (1) Introduction to Contracting; (2) Contracting by Sealed Bidding; and (3) Procurement Planning. These courses are aimed at GS 5 through 7 personnel. Section C.9 of the RFP, entitled "Instructor Qualification," provides that "the instructor must . . . possess the ability to teach in the adult education environment using the various educational methods listed" in the solicitation in addition to "technical procurement skills."

The RFP required offerors to submit technical and price proposals. Each technical proposal was to consist of separate profiles for each proposed instructor in two of the three evaluation areas, namely, "Qualification of Instructors in Contracting" and "Past Performance, Experience, and Formal Educational Training"; offerors were not required to submit instructor profiles for the third evaluation area, entitled "Management Plan."

With regard to the instructor qualifications area, the RFP stated that proposals should indicate the skill level of each proposed instructor. To demonstrate skill level, the solicitation required each offeror to complete the appropriate exhibit provided in the RFP (corresponding to the course being offered); each exhibit listed the duties covered by the course, the required learning level to be attained by the students, and provided space for the offeror to describe each instructor's qualifications in each duty

area. Offerors also were to submit a separate narrative explaining how and when the proposed instructors acquired each skill and what actions they have taken to maintain that skill. The solicitation also provided that an offeror could demonstrate an instructor's skill through any of the following: (1) actual work experience; (2) publication of articles; (3) preparation of training materials; (4) consultant work; or (5) other similar experience. If the narrative description referenced an instructor's experience in connection with the publication of articles, the preparation of training materials, or similar materials, the firm was required to provide copies of the materials referenced.

In the past performance, experience, and formal educational training area, offerors were required to submit information for each proposed instructor which addressed the following three subfactors:

"(1) the instructor's experience in teaching courses utilizing the learning methods and instructional skills listed in Section C.6.1.,

"(2) the quality of the instruction provided in the courses cited, and

"(3) the formal educational training satisfactorily completed by the instructor."

In addition to this information, offerors were required to submit information on courses taught during the past 24 months which placed minimal reliance on lecture and maximum reliance on student-student and student-teacher interaction. Offerors were also required to identify when and where each proposed instructor received the formal training in each learning method and instructional skill.

The protester argues that the solicitation should be amended to eliminate the requirement that offerors provide separate profiles for each proposed instructor that include a discussion of their learning levels, a detailed list of learning methods, a detailed explanation of how the instructors were trained, and a list of sufficient references. According to the protester, such an amendment would make the procurement more competitive for small businesses. Alternatively, Wells & Bridges suggests that the RFP be modified to provide for post-award substantiation of the qualifications of the proposed instructors.

GSA's position is that its goal is to professionalize the procurement workforce and the primary means of achieving this goal is through an effective training program at the

beginning of a procurement official's career, GSA explains that the agency needs instructors capable of teaching specific subject matters utilizing identified learning methods and instructional skills. According to GSA, the solicitation was drafted accurately to reflect its need to have instructors who either have competently used the learning methods or have completed a formal training program involving these learning methods and instructional skills. GSA states that it is reasonable for the agency to ask for information which identifies and supports the instructor's qualifications for using particular learning methods and instructional skills because these methods and skills are directly related to how well qualified the instructor is to teach a class using specific learning methods. Similarly, GSA asserts that it cannot reasonably evaluate a proposed instructor's knowledge and skills with regard to specific contracting duties or topics if offerors are not required to provide specific information on the instructor's qualifications.

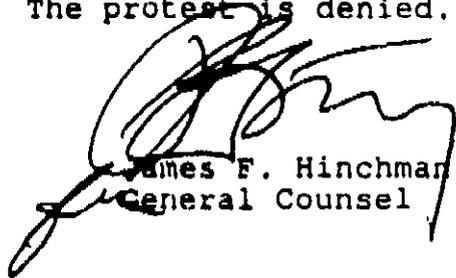
The Competition Contracting Act of 1984 (CICA) requires that solicitations specify an agency's needs and solicit offers in a manner designed to achieve full and open competition, 10 U.S.C. § 2305(a)(1)(A)(i) (1988), and allows restrictive provisions only to the extent necessary. 10 U.S.C. § 2305(a)(1)(B)(ii). Where a solicitation includes requirements that restrict the ability of offerors to compete, the agency must have a reasonable basis for imposing the restrictive requirements. See Engineered Fabrics Corp., B-239837; B-239839, Oct. 3, 1990, 90-2 CPD ¶ 268.

Under the circumstances here, we think that it is reasonable for GSA to request detailed profiles in order to evaluate and determine, prior to award, the quality of an offeror's proposed personnel. Since performance of the contract requires specific expertise and skill, and substandard or ineffective teaching skills and expertise would adversely affect GSA's training program, we do not believe that the agency's request for detailed profiles can reasonably be viewed as unduly restrictive. GSA clearly is in a better position to evaluate offers and to select the most technically qualified offer by having offerors provide profiles on their personnel.

To the extent the protester argues that the information requirements in the solicitation are so burdensome that they preclude it and other small businesses from competing for award, the Federal Acquisition Regulation (FAR) does require that agencies take steps to assure that small businesses will have an equitable opportunity to compete for contracts that they can perform, to the extent that they are

consistent with the government's needs. FAR § 19.202-1. However, an agency is not required to compromise its minimum needs to ensure maximum small business participation. Mills Mfg. Corp., B-224004; B-224005, Dec. 18, 1986, 86-2 CPD ¶ 679. Since we have determined that the consideration of profiles was necessary for GSA to ensure that its training program is successful, and GSA has taken steps to promote small business participation to the maximum extent possible consistent with its needs by setting aside the procurement exclusively for small business concerns, we have no basis to question the requirement for separate profiles.

The protest is denied.



James F. Hinchman
General Counsel