



Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: Everite Machine Products Company

File: B-210026

Date: December 9, 1992

Daniel Stern, Everite Machine Products Co., for the protester.
Demetria T. Carter, Esq., and Elizabeth McIntyre, Esq., Department of the Navy, for the agency.
Christina Sklarew, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly excluded proposal from the competitive range where the offeror had no reasonable chance of award because its proposal failed to provide specific technical information concerning its proposed method of performance, as was required by the solicitation, and correction would require major revision of the proposal.

DECISION

Everite Machine Products Company protests the Department of the Navy's exclusion of its proposal from the competitive range under request for proposals (RFP) No. N00174-92-R-0039, which was issued by the Indian Head Division, Naval Surface Warfare Center. We deny the protest.

The RFP was issued on April 2, 1992, as a small business set-aside procurement and was amended twice before initial proposals were received on May 15. The solicitation is for a subcomponent of the MK-22 Mod 4 rocket motor. The rocket is designed to clear a path through mine fields by towing a line of explosives which detonates over a mine field, destroying any mines that are buried in the ground along a 300-foot path. The subcomponent being procured here is the head cap to the rocket motor.

The RFP instructed offerors to submit separate technical and cost proposals. Offerors were advised in the RFP that their proposals should be sufficiently specific, detailed and complete to clearly and fully demonstrate that the offeror had a thorough knowledge and understanding of the

requirements. It further stated that the contract could be awarded without conducting discussions and that each proposal must therefore be adequate on its face to demonstrate how it proposed to comply with specified requirements, with a full and detailed presentation of the proposed approach to the project. It emphasized that offers that did not present sufficient information to permit complete technical evaluation by the government might be rejected. The RFP listed nine questions requesting very specific information or documentation to demonstrate the offeror's "technical comprehension," such as a detailed explanation of how the head cap would be cast and processed, a detailed explanation of certain manufacturing processes, discussions of the validity of certain test data, any problem areas in developing the casting process and proposed remedies, the measures to be used to ensure the head caps consistently will have the specified mechanical properties, etc. In addition to the technical comprehension questions, the RFP required information concerning "technical experience," and stated that offers would be evaluated on the basis of these two factors. Only offers that were evaluated as technically acceptable in both areas would be considered for award.

The Navy received 11 technical proposals. A technical representative evaluated the proposals and found seven of them technically unacceptable and not capable of being made acceptable without a major revision; Everite's proposal was among the unacceptable ones. In Everite's case, the agency found that the firm had provided no material information for five of the nine technical comprehension questions and insufficient information for two other questions in this area. A competitive range determination was prepared and approved, excluding the seven offers found technically unacceptable. The contract specialist advised Everite that its offer had been excluded from the competitive range, and this protest followed.

The Navy found that Everite provided no information in response to the following questions:

(3) Explain in detail how the head cap will be cast and processed through final heat treat.

(5) Describe the data from a rockwell hardness test from the surface of a fully heat treated headcap and include a discussion regarding the validity of the data.

(6) Develop a time line to show how long it will take to develop the above process so it consistently produces acceptable castings.

(7) Indicate any problem areas you might foresee in developing the process for casting the head caps and what plans you have to eliminate them.

(8) Describe the measures you will utilize to ensure the heat treat on the head caps consistently generates the required mechanical properties.

Everite contends that it did submit information to answer the questions that pertained to the casting process and its related facets, and that it did so in a statement attached to its technical proposal, labeled "Attachment A." This attachment is a three-sentence letter from a proposed subcontractor, Consolidated Casting Corporation (Consolidated), stating that it has successfully produced the casting and identifying by contract number the last two contracts it was awarded. It further stated, "In producing the castings successfully, Consolidated Casting Corporation has shown the technical comprehension and experience necessary," and listed its own subcontractors. The attachment also included a proposed X-ray plan.

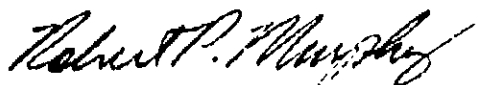
Everite's response to each of the five questions at issue was simply a reference to Attachment A. The protester argues, in essence, that it satisfied the agency's request for specific information regarding the development and success of the casting process and its related procedures simply by proposing to subcontract with a firm that has been a successful subcontractor on similar efforts. Everite contends that the subcontractor refused to disclose further technical information regarding the casting process because it involves proprietary information, and that the information that Consolidated provided was the same information Consolidated provided to other prospective offerors.

The evaluation of proposals and the resulting determination whether an offer is in the competitive range is a matter within the discretion of the contracting agency, since that agency is responsible for defining its needs and the best method of accommodating them. Delta Ventures, B-238655, June 25, 1990, 90-1 CPD ¶ 588. In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the agency's evaluation to ensure that it was not arbitrary or in violation of the procurement laws and regulations. Id. Where a proposal is technically unacceptable as submitted and would require major revisions to become acceptable, the agency is not required to include the proposal in the competitive range. See DBA Sys., Inc., B-241048, Jan. 15, 1991, 91-1 CPD ¶ 36.

We find that the Navy could reasonably conclude that Everite had simply not provided any specific information in response to the technical questions, in spite of the various

admonitions in the RFP that specific information to demonstrate its understanding of the specifications was required. Everite's initial proposal provided no explanation of how it proposed to perform the work, or how its subcontractor would perform. It provided no basis upon which the agency could evaluate its understanding of the requirements or its capability to perform the contract (either by producing the head cap itself or by supervising its subcontractor). The protester, among other things, failed to provide an explanation of how the head cap would be cast and processed, to describe the hardness test data and explain its validity, to develop a time line to illustrate how long it would take to produce acceptable castings, or to indicate potential casting problems and possible solutions. Everite's apparent inability to elicit additional technical information from its proposed subcontractor does not demonstrate, as the protester suggests, that such information could not be disclosed in any case because it was proprietary. Contrary to Everite's allegations, the record shows that a competitor, who also proposed the identical subcontractor and whose proposal was found acceptable, provided the required information in sufficient detail. In these circumstances, we find no basis to object to the Navy's evaluation of Everite's proposal or to its exclusion from the competitive range.

The protest is denied.


for James F. Hinchman
General Counsel