



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Diversified Technical Consultants, Ltd.

File: B-250986

Date: February 22, 1993

David R. Smith, Esq., Reed, Smith, Shaw & McClay, for the protester.

Scott R. Schoenfeld, Esq., Leonard, Marsh, Hurt, Terry & Blinn, for The Scientex Corporation, an interested party.
Margarita Moncada, Department of Transportation, for the agency.

Richard P. Burkard, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation sought proposals for services to operate and maintain an existing "information system," protest that agency improperly found protester's proposal technically unacceptable is denied where record shows that agency reasonably concluded that the proposal's emphasis on enhancing the system, which was not required under the solicitation, demonstrated that the protester did not sufficiently understand or address the solicitation's requirements.

DECISION

Diversified Technical Consultants, Ltd., protests the rejection of its offer as unacceptable under request for proposals (RFP) No. DTFH61-92-R-00068, issued by the Federal Highway Administration for support services to operate and maintain the information dissemination and quality control programs of the Motor Carrier Management Information System (MCMIS).

We deny the protest.

The MCMIS is an accumulation of mainframe software systems and software programs which uses a database containing information such as safety ratings of motor carriers. The awardee's responsibilities under the contract include receiving requests for information, providing data contained in the MCMIS to other government agencies and the general public, and maintaining logs and detailed reporting of activities.

The RFP stated that award would be made to the offeror whose proposal was considered most advantageous based on the agency's consideration of technical proposals, price, and past performance. Technical proposals and price were considered of equal weight and more important than past performance. The RFP stated that technical proposals would be evaluated based on the following criteria, listed in descending order of importance: (1) offeror's available resources to complete the contract requirements satisfactorily and on schedule; (2) offeror's responsiveness to the RFP as reflected in the proposal; and (3) offeror's demonstration of technical competence and understanding of the requirements of the RFP. Several subcriteria were listed under each of the three main criteria.

The agency received five proposals by the May 29, 1992, closing date. The proposals were evaluated and point scored. The proposal submitted by The Scientex Corporation received the highest technical score of 90.7, while the second-highest score was 64.5. Diversified's proposal received a technical score of 61 and was determined to be technically unacceptable. Based on the protester's extensive discussion in its proposal of a supplemental data tracking system not required by the RFP, the evaluators found that Diversified's proposal "demonstrated a lack of a clear understanding of the RFP." The evaluators noted that Diversified's proposal "concentrated on ~~methods~~ of improving [the MCMIS] rather than addressing the RFP." In addition, the agency found that Diversified's proposal had not demonstrated familiarity and experience with a similar project, made incorrect statements in describing the tasks to be performed, and proposed a staff which was "more in line with" an engineering effort. Consequently, the proposal was rejected, and the agency awarded the contract to the Scientific Corporation.

Diversified objects to the agency's evaluation of its proposal on several grounds. First, the protester argues that the agency improperly concluded that Diversified intended to replace the MCMIS system with its proposed supplemental system. Diversified states that the purpose of its proposed system was to work within the MCMIS system. Second, it objects to the agency's conclusion that its personnel were overqualified and asserts that the agency should have "determined whether or not the personnel proposed . . . could in fact perform the jobs . . . regardless of any additional technical skills they might possess." Third, it argues that the agency erroneously concluded that it was

"looking for space" in Lanham, Maryland, without recognizing that it was currently located in Lanham.¹

In reviewing a protest against the propriety of an agency's evaluation of proposals, it is not the function of our Office to independently evaluate proposals and to substitute our judgment for that of the agency. Research Analysis and Maintenance, Inc., B-242836.4, Oct. 29, 1991, 91-2 CPD ¶ 387. The evaluation of proposals and the resulting determination as to whether an offeror is in the competitive range are matters within the discretion of the procuring agency, since it is responsible for defining its needs and deciding on the best methods of accommodating them. Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223. We will question the agency's technical evaluation only where the record shows that the evaluation does not have a reasonable basis or is inconsistent with the RFP. JEN Assocs., B-245060.2, Mar. 6, 1992, 92-1 CPD ¶ 263. The fact that the protester disagrees with the agency does not itself render the evaluation unreasonable. Id.

Here, the agency rejected the protester's proposal as unacceptable based on its conclusion that the proposal's emphasis on the supplemental system demonstrated that Diversified lacked an understanding of the RFP requirements and failed to adequately address them. There is ample support in the record for the agency's position. The agency states, and the record shows, that the system proposed by Diversified added "additional levels of complexity to a system that had already been developed" and that the RFP did not require that the contractor "enhance or further automate a system." In light of the protester's extensive discussion of the supplemental system in its proposal, the agency's conclusion was reasonable. See Zell Partners, Ltd., B-248489, Aug. 31, 1992, 92-2 CPD ¶ 141.

With respect to the protester's argument that the agency improperly characterized its proposed staff as "overqualified," the agency states that this comment was intended to express its view that Diversified's proposal "placed more emphasis on their software development capabilities than demonstrating a clear and concise understanding of the MCMIS system and the related tasks." In this connection, the agency concluded that Diversified put too much emphasis on its engineering staff, consultants and programming skills, rather than on its clerical staff, one of the primary labor categories needed for performance of the project. Thus, we do not think that the comment about an "overqualified"

¹The RFP required that the successful offeror's work site be within 30 miles of the agency's headquarters in Washington, DC. Lanham is within 30 miles of the agency's headquarters.

staff, which relates to the agency's conclusion that, contrary to the RFP requirements, the protester emphasized its ability to improve and enhance the agency's system rather than its ability to operate within the existing system, rendered the evaluation unreasonable.

Finally, the protester asserts that the evaluators "erroneously concluded" that Diversified was "looking for office space in Lanham, Maryland." Diversified points out that its proposal stated that it is located in Lanham, within the required 30 mile radius. The firm's proposal specifically stated, however, that "it is in the process of negotiating office lease space in the Lanham area . . . , which is also less than 30 miles from the [agency's] headquarters." While this matter appears to have had no impact on the agency's conclusion that the proposal was unacceptable, we do not think that it was improper for the evaluators to note the uncertainty of Diversified's location. Moreover, the fact that Diversified is currently located in Lanham does not eliminate the uncertainty since the proposal suggested that the contract would be performed at the unidentified space in the Lanham area which Diversified was in the process of obtaining.

In sum, we think that the agency's decision to reject Diversified's proposal as unacceptable was reasonably based and consistent with the evaluation criteria in view of the failure of the proposal to show that Diversified had an understanding of the RFP requirements.

The protest is denied.


for James F. Hinchman
General Counsel