

Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dynamic System Technologies, Inc.

File: B-253957

Date: September 13, 1993

Wadi Rahim for the protester.
Walter Batson, Jr., for Camber Corporation, an interested party.

Craig E. Hodge, Esq., and Carol Rosenbaum, Esq., Department of the Army, U.S. Army Materiel Command, for the agency.
Tania L. Calhoun, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest alleging defects in the evaluation of proposals is denied where the record establishes that the evaluation was reasonable and consistent with the solicitation.

DECISION

Dynamic System Technologies, Inc. (DSTI) protests the award of a contract to Camber Corporation under request for proposals (RFP) No. DAAJ09-92-R-0369, issued by the U.S. Army Aviation and Troop Command for programmatic and technical support (PATS). DSTI argues that the selection process was "flawed with major inconsistencies."

We deny the protest.

The PATS acquisition strategy provided for one solicitation containing a separate statement of work (SOW) for each of three service areas: technical, logistics, and programmatic. The RFP, issued on October 30, 1992, anticipated award of up to nine indefinite quantity contracts, for a base period of 2 years with 3 option years. Three awards could be made under each of the SOWs: one to a section 8(a) firm,¹ one to a small business, and one unrestricted award.

¹Section 8(a) of the Small Business Act authorizes the Small Business Administration to enter into contracts with government agencies and to arrange for performance through subcontracts with socially and economically disadvantaged small

(continued...)

This protest concerns the section 8(a) award under the technical SOW.

The RFP instructed that awards would be made to offerors whose proposals provided the optimum approach for attainment of the objectives of the PATS program considering four evaluation factors: technical, management, cost, and past performance. The Army would select the proposal that provided the best value to the government. Of the four evaluation factors, technical was significantly more important than management, while cost and past performance were approximately equal and were significantly less important than management. Both the technical and management factors contained various subfactors.

By the December 29 closing date for receipt of initial proposals, three section 8(a) firms submitted proposals under the technical SOW: DSTI, Camber, and Westar Corporation. Discussions were held with all three offerors, and best and final offers (BAFO) were submitted on February 22, 1993. The results of the Source Selection Evaluation Board's (SSEB) evaluation under the technical and management factors of these three proposals were as follows:

	<u>Westar</u>	<u>Camber</u>	<u>DSTI</u>
Technical (50 points maximum)	44.08	39.76	38.18
Management (30 points maximum)	<u>26.05</u>	<u>24.42</u>	<u>18.25</u>
Total Merit Score	70.13	64.18	56.43
Probable Cost ²	6-1	4-1	5-2
Performance Risk	Low	Low	Moderate

The SSA determined that Camber's proposal provided the government with the best value for the section 8(a) award under the technical SOW, and made award to Camber on May 21.³ After DSTI was debriefed, it filed this protest challenging various aspects of the evaluation of its proposal under both the technical and the management factors.

¹(...continued)

business concerns. We review competitive 8(a) procurements to ensure that they conform to applicable federal procurement regulations. See Morrison Constr. Servs., Inc., 70 Comp. Gen. 139 (1990), 90-2 CPD ¶ 499.

²A most probable cost was established for each scenario proposed by each contractor, then compared to the lowest most probable cost for the scenarios.

³Westar, which had competed in all three technical contract areas, was awarded the small business portion of the technical support requirement.

The evaluation of proposals is primarily a matter within the contracting agency's discretion which we shall not question unless we find the evaluation to be unreasonable or inconsistent with the RFP's evaluation factors. Centro Mgmt., Inc., B-249411.2, Dec. 2, 1992, 92-2 CPD ¶ 387. The protester's disagreement with the agency's conclusion does not render the evaluation unreasonable. Tate-Griffin Joint Venture, B-241377.2, Jan. 7, 1992, 92-1 CPD ¶ 29.

DSTI first argues that its proposal was inconsistently evaluated under the technical factor. DSTI asserts that the contracting officer stated, during the debriefing, that while the firm's proposed computer modeling and simulation under area No. 2 of the technical approach subfactor was evaluated as a weakness, the same computer modeling and simulation proposed under scenario No. 1 of the technical scenarios subfactor was evaluated as being very competitive.

The contracting officer denies having made such a statement, and our review of both the debriefing summary and the supporting evaluation documents does not reveal any inconsistency in the evaluation of DSTI's computer modeling and simulation. Under area No. 2 of the technical approach subfactor, Electronics/Avionics/Visionics/Survivability Equipment/Power Generation, the SSEB found that DSTI demonstrated a weakness due, in part, to its failure to identify a realistic approach to and demonstrate a clear understanding of computer simulation models. Likewise, under scenario No. 1 of the technical scenarios subfactor, while the SSEB found that DSTI demonstrated an optimum overall approach to the scenario (as did Camber), it assessed slight risks relative to DSTI's potential lack of depth in computer modeling. The SSEB found that DSTI's proposal discussed SOW paragraphs 4.3 through 4.5 in general terms, and often merely restated the SOW's language; further, DSTI's labor competency in the area of modeling was weak. As the record shows that the results of the evaluation of DSTI's proposed computer modeling and simulation were not inconsistent, the protester's contention in this regard is without basis.⁴

DSTI argues that if its proposed computer modeling and simulation was evaluated as a weakness, the agency should have raised the issue during discussions. While agencies generally must lead offerors into the areas of their proposals that require amplification or correction for them to have a reasonable chance of award, there is no obligation to

⁴We also find no evidence in the record to support DSTI's allegation, specifically denied by the contracting officer, that the contracting officer told the firm that the evaluators did not properly cross-check evaluation results.

afford all-encompassing discussions or to discuss every element of a technically acceptable competitive range proposal. Department of the Navy--Recon., B-250158.4, May 28, 1993, 93-1 CPD ¶ 422. Here, while the proposed computer modeling and simulation was identified as a weakness and contributed to the agency's determination that DSTI's proposal, while technically acceptable, offered a relatively less desirable approach than the other offers received, it had only a minor effect on the award decision. Based on the record before us, we do not believe that the agency was required to raise the issue in discussions with DSTI.

The remainder of DSTI's allegations concern the evaluation of its proposal under the management factor. DSTI primarily argues that the agency miscalculated its proposal under the program manager subfactor by improperly assuming that the individual DSTI initially proposed as its program manager was removed from that position in the firm's BAFO.

The management volume of DSTI's initial proposal listed Ron Williams as its program manager, and DSTI's resume volume included a resume for Mr. Williams which clearly identified him as the proposed program manager. However, in its BAFO, DSTI submitted, as a change page, a revised resume for Mr. Williams which clearly identified him as the proposed senior logistician. No other information was included in the BAFO to explain this discrepancy between the two resumes.⁵ The agency states, and the evaluation documents reflect, that this discrepancy created an ambiguity which prevented the SSEB from ascertaining whether DSTI's BAFO proposed a program manager at all and, if so, whether the proposed program manager was Mr. Williams.

DSTI asserts that the agency should have been able to discern that the revised resume was intended to add Mr. Williams as the senior logistician, in addition to his primary role as the program manager. DSTI contends that the agency improperly assumed that its BAFO removed Mr. Williams from his role as program manager, since it did not specifically do so.

⁵DSTI now states that after the initial evaluation of its proposal, the agency instructed it to propose a senior logistician; it had not done so in its initial proposal. DSTI asserts that the revised resume was submitted in response to this instruction. Contrary to DSTI's position, the RFP's section B.2.A requires offerors to propose against all listed labor categories; senior logistician is one of those categories. To the extent that DSTI objects to this requirement, the protest is untimely, as it was filed long after the time set for receipt of initial proposals. See 4 C.F.R. § 21.2(a) (1) (1993).

We disagree. DSTI did not provide the Army with an explanation of why the revised resume proposed Mr. Williams as the senior logistician, or how that change affected his role as program manager. As a result, we think the submission of that resume at a minimum introduced an ambiguity into DSTI's proposal and that the agency reasonably downgraded the proposal to reflect that ambiguity. It is an offeror's obligation, when introducing changes in its BAFO, to demonstrate how its revised offer will satisfy the government's requirements since the agency is not required to reopen discussions to afford an offeror an opportunity to demonstrate compliance. See Purvis Sys., Inc., 71 Comp. Gen. 203 (1992), 92-1 CPD ¶ 132.

DSTI also argues that the agency miscalculated its proposal under this subfactor by improperly concluding that it failed to grant decision-making authority to the program manager. The RFP instructed offerors that the program manager sub-factor would be evaluated on, among other things, the authority of the program manager within the company. The evaluators downgraded DSTI's proposal in this regard because it did not indicate that the program manager had the authority to make decisions that are binding on the contractor without first securing approval from top management. While DSTI claims that its proposal indicated that the program manager had absolute authority and responsibility over all PATS matters, its proposal also shows that the program manager reports to the firm's president. The issue of the program manager's authority was further put into question because DSTI's references to such authority were contingent upon the program manager being Mr. Williams; we have already concluded that the agency could not be certain that DSTI's BAFO did in fact propose Mr. Williams as the program manager. As a result, we cannot conclude that the agency unreasonably downgraded DSTI's proposal in this regard.

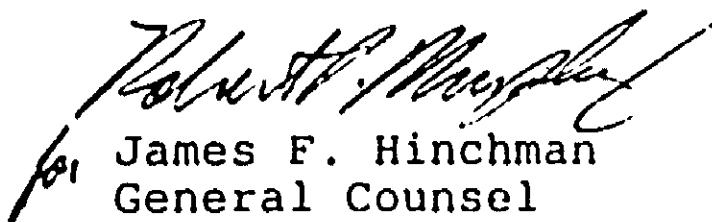
DSTI finally argues that the Army improperly downgraded its proposal under the resume subfactor of the management factor because one of its proposed principal engineers did not meet the experience requirement set forth in the solicitation. DSTI contends that the final solicitation did not contain an experience requirement for this labor category.

The protester is incorrect. Attachment No. 4 of the original solicitation, "Labor Categories Education and Experience Requirements," included a table which stated that the principal engineer/scientist was required to have 20 years of related experience after degree. While attachment No. 4 was replaced in its entirety by amendment No. 0001, the table did not change. DSTI argues that since Attachment No. 4's detailed description of qualifications for this labor category did not contain an experience requirement, and since the table was labeled "for quick reference only," the

firm assumed that there was no experience requirement for the principal engineer/scientist.

To be reasonable, an interpretation of solicitation language must be consistent with the solicitation when read as a whole and in a reasonable manner that gives effect to all of its provisions. See Lithos Restoration, Ltd., 71 Comp. Gen. 367 (1992), 92-1 CPD ¶ 379. Here, Attachment No. 4, when read as a whole and in a reasonable manner, does require 20 years of related experience after degree for the principal engineer/scientist. The notation that the table was for "quick reference only" does not mean that the table should be ignored; rather, it means that the offeror should not rely solely upon the information contained in the table. While DSTI contends that the agency should have raised this issue during discussions, an agency is not required to remind an offeror to submit certain information with its final offer when that information is specifically called for in the solicitation. See Huff & Huff Servs. Corp., B-235419, July 17, 1989, 89-2 CPD ¶ 55.

The protest is denied.⁶



for James F. Hinchman
General Counsel

⁶DSTI's argument that the agency's decision not to point score the cost and past performance factors improperly allowed for bias is untimely, as the solicitation on its face informed offerors that the agency would develop most probable costs for the cost factor, and assign a narrative rating for the past performance factor. See 4 C.F.R. § 21.2(a)(1).