

Matter of: General Research Corporation
File: B-253866.2
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DIGEST

1. Protest that agency failed to conduct meaningful discussions by misleading protester into believing that written and oral responses provided prior to best and final offers (BAFO) sufficiently addressed proposal deficiencies is denied where complained of BAFO letter made no comment on the acceptability of the information previously provided, repeated previously submitted discussion questions, and gave protester an opportunity to correct deficiencies.
2. Protest that agency failed to conduct meaningful discussions is denied where written discussion question was sufficient to lead the protester into one area of proposal deficiency and protester was not prejudiced by the agency's failure to inform protester of another area of deficiency.
3. Protest that consensus risk evaluation did not reflect the individual evaluators' ratings is denied where there is no indication in the record that the consensus evaluation was unreasonable.
4. Award is proper where record contains a source selection document which explains the best value determination and a source selection authority's post-protest affidavit which sets forth detailed basis for determining that awardee's higher-rated proposal was worth price premium and this affidavit is consistent with contemporaneous source selection document.

DECISION

General Research Corporation protests the award of a contract to Booz-Allen & Hamilton, Inc. under request for proposals (RFP) No. SDIO84-93-R-0008, issued by the Ballistic Missile Defense Organization (BMDO), for technical support services. BMDO is the successor office to the Strategic Defense Initiative Organization and is involved with research and development efforts for protection against limited nuclear strikes. The protester principally argues that the agency did not conduct adequate discussions and risk evaluation or perform a proper cost/technical tradeoff.

We deny the protest.

BACKGROUND

The RFP requested cost-plus-fixed-fee proposals for a 1-year base period and three 1-year options. Contract line item number (CLIN) 0001, at issue here, was for award of technical and program support services for BMDO's Security Intelligence and Countermeasures Office (DSI), which is responsible for providing threat information, known as threat scenarios, to the rest of the organization. Threat scenarios are detailed technical descriptions of weapons systems and their deployment, derived from national intelligence sources, used to aid defensive systems designers and managers in making accurate and informed decisions about the BMDO program and its weapon systems. Under CLIN 0001, the services requested included analytic and program support to the Global Protection Against Limited Strikes (GPALS) threat program, and specifically included threat scenario generation.

Award was to be made to the responsible offeror submitting the proposal determined to offer the greatest value to the government, based on consideration of evaluation factors, in descending order of importance, for technical, management, and cost. The specific technical subfactors, all of equal importance, were (1) technical analysis and scenario development; (2) direct programmatic and technical support; and (3) task breakdown structure. Also, in the technical area, the RFP's statement of work (SOW) included detailed descriptions of specific contract requirements. The management subfactors, all of equal importance, were (1) management structure and organization; (2) staffing and technical management; (3) past performance; and (4) facilities. Although cost was of lesser importance than the technical or management factors, it was a substantial element to be considered in the overall integrated assessment of proposals. Cost was to be evaluated for realism, completeness, and reasonableness.

In addition to technical merit and cost, proposals were to be assessed for proposal risk, encompassing cost, schedule, performance, and other aspects of the proposals.

Six firms submitted initial proposals, including Booz-Allen and GRC. Booz-Allen's proposal was evaluated highly with blue/exceptional (under the Air Force's color/adjectival rating system) and low risk ratings for all technical and management subfactors. In comparison, GRC's proposal was evaluated yellow marginally acceptable in the first two technical subfactors, green/acceptable in the third, and high risk under all technical subfactors. GRC's proposal was evaluated green/acceptable and medium risk in all management subfactors. The weaknesses identified in GRC's technical proposal centered around the threat scenario generation process, including methodology, participating parties, and responsibilities of those parties. In this regard, the evaluators believed that GRC did not understand the current process, relationships, and responsibilities involved in threat scenario generation and was superficial in its understanding of the DSI organization.

After conducting written and oral discussions, the agency requested best and final offers (BAFO). The evaluation of GRC's and Booz-Allen's BAFOs resulted in no change in the color and risk ratings of the two firms' proposals. The source selection authority (SSA) determined that since technical and management factors were to be weighted more heavily than cost, Booz-Allen's significant technical advantage over GRC was sufficient to outweigh GRC's 17 percent lower cost (\$1,584,588 over a 4-year period if all the options are exercised). The SSA concluded that Booz-Allen's proposal provided the greatest value to the government and made award to the firm on June 2, 1993.

At the debriefing held with GRC on June 9, the agency identified four deficiencies in the firm's technical proposal: (1) failure to provide adequate detail on methods used to accomplish scenario technical requirements; (2) failure to demonstrate an understanding of the current threat scenario generation process; (3) failure to demonstrate an adequate understanding of the threat community responsibility and relationships to the DSI office within BMDO; and (4) failure to demonstrate an adequate understanding of the responsibilities of the BMDO system threat office and coordination requirements. The agency also identified as a management proposal weakness that GRC's "labor mix [was] weighted too low in senior category." Following the debriefing, GRC filed this protest.

¹Booz-Allen proposed a total price of \$9,226,103, compared to GRC's proposed price of \$7,641,515.

DISCUSSIONS

GRC alleges that discussions were inadequate because (1) the agency misled the firm into believing that its written and oral responses to the initial discussion questions were adequate to address the agency's concerns, and (2) the areas of evaluated deficiency under the first two technical subfactors were not brought to its attention.²

Misleading Discussions

The agency opened the negotiation process by sending initial written questions to the offerors. GRC (and the other offerors) submitted written responses to the discussion questions, as requested, and oral discussions then were held. The BAFO request letter that followed these discussions restated the initial written discussion questions, along with an additional question from oral discussions (not at issue). The BAFO letter to GRC also stated that:

"The material provided during the written discussions was evaluated with respect to your understanding of the questions. Your response to the questions demonstrated the level of understanding sought in the evaluation and provided the specified information omitted from the proposal. Any changes to your proposal you may desire to make as a result of the written and oral discussions must be included in your BAFO to be considered in the final evaluation."

GRC maintains that the language included in this BAFO letter misled it into believing that no further response was necessary in its BAFO. We agree that the BAFO letter could have been clearer, but we do not think GRC's interpretation

²In its comments on the agency report, GRC for the first time argues that discussions on the firm's management proposal were inadequate because it was not told that its labor mix was low in the senior category. Our Bid Protest Regulations require that a protest be filed within 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1993). Each new protest ground must independently satisfy these timeliness requirements. RRRS Enters., Inc., B-241512 et al., Feb. 12, 1991, 91-1 CPD ¶ 152. The agency's record of the debriefing held on June 9 indicates (undisputed by GRC) that it advised GRC of the labor mix problem at that time. Since GRC did not raise this argument until more than 2 months after June 9, it is untimely and will not be considered.

was warranted. While the BAFO letter stated that GRC had demonstrated the "level of understanding sought in the evaluation" and had provided "the specified information omitted from the proposal," the letter also restated the initial technical discussion questions, labeled them as deficiencies, and acknowledged that GRC may want to make changes in its proposal as a result of the discussions. We think this language should have alerted the protester that, notwithstanding that the information submitted had satisfied the agency to some extent, the acceptability of the information previously submitted remained in question. We conclude that GRC should not have been misled. Moreover, GRC was given the opportunity to address its proposal deficiencies in its response to the initial discussion question. Essentially, the protester is suggesting that the agency should have conducted successive rounds of discussions with the protester. However, the agency was under no obligation to do so. See Honeywell Regelsysteme GmbH, B-237248, Feb. 2, 1990, 90-1 CPD ¶ 149.

First Technical Subfactor

Under the first technical subfactor, technical analysis and scenario development, the RFP provided for evaluation of:

"The development and maintenance of threat documentation, support to the GPALS threat program by performing independent analyses of significant threat issues, the construction and analysis of threat scenarios, and the analysis of the threat integrity of GPALS documentation."

GRC's deficiencies under this subfactor related primarily to the evaluated out-of-date nature of the firm's proposed threat scenario generation process, i.e., the proposal indicated familiarity with a threat structure that existed 2 to 3 years ago, but was not up-to-date with the evolution of that structure and the current generation process, responsibilities, and relationships.

Although discussions with offerors must be meaningful, they need not be all-encompassing; in general, discussions are adequate if they lead offerors into the areas of their proposal which require amplification or correction and offerors are afforded an opportunity to revise their proposals. Son's Quality Food Co., B-244528.2, Nov. 4, 1991, 91-2 CPD ¶ 424.

The agency met this standard under the first subfactor. Included among the initial written questions to GRC was the following: "[p]rovide a description of the threat scenario analysis and construction process currently being used." We believe the agency's use of the phrase "currently being

used" clearly informed GRC that the agency did not consider the explanation of the process included in GRC's proposal to be up-to-date; indeed, we see no other logical interpretation of the question. This question therefore was adequate to put GRC on notice of the proposal deficiencies in this area.

Second Technical Subfactor

Under the second technical subfactor at issue, direct programmatic and technical support, GRC's proposal was evaluated as failing to address what types of systems threat products/scenarios were needed, on what schedule, and appropriate priorities, which indicated to the agency a lack of understanding of systems threat documentation.

While the question discussed above--"provide a description of the threat scenario analysis and construction process currently being used"--could be read broadly to include threat documentation, we think the agency should have been more specific. However, we will sustain a protest challenging the adequacy of discussions only where there is a reasonable possibility that the protester was prejudiced by the government's actions. See George A. Fuller Co., B-247171.2, May 11, 1992, 92-1 CPD ¶ 433. This was not the case here. Although GRC argues that an improvement under this second subfactor to green/acceptable may have improved its overall technical rating to green/acceptable (in fact, GRC does not specify what information it would have submitted to effect this improvement), there is nothing in the record that suggests that this reasonably could be expected to change the award decision. This is because Booz-Allen's scores under all technical and management subfactors were blue/exceptional, compared to GRC's two green/acceptable subfactors (assuming, as GRC contends, that GRC would be raised under the second subfactor) and one yellow/marginal subfactor (for an arguable overall green/acceptable rating); and Booz-Allen's risk ratings under all technical and management subfactors were low, compared to GRC's high risk ratings for all technical subfactors and medium risk rating under the management factor. Although GRC's cost was 17 percent lower, on this record there is no basis for concluding that this would have been sufficient to overcome Booz-Allen's superior ratings for every single subfactor under the more important technical and management factors. Thus, GRC was not prejudiced by the lack of more specific discussions.³

³GRC also complains that the consensus (*i.e.*, ratings agreed upon by the evaluators after the individual evaluations were done) risk ratings assigned to the firm's proposal should have been "average" rather than high in light of the ratings (continued...)

COST/TECHNICAL TRADEOFF

GRC argues that the agency's cost/technical tradeoff was improper due to a lack of contemporaneous documentation containing sufficient detail supporting the decision. As discussed above, the RFP provided that technical and management factors were more important than price, and Booz-Allen's proposal was rated higher with a lower risk rating than GRC's in all areas. The SSA's contemporaneous memorandum of his award decision states that, based on his integrated assessment of proposals, Booz-Allen's proposal was significantly superior in both the technical and management areas. He also found that Booz-Allen's higher price is "minimal compared with its low risk in the technical area and management areas," and that the awardee's proposal represents the best value to the government. While the SSA's memorandum could have been much more informative, the record fully supports the SSA's determination.

In an affidavit prepared by the SSA in response to the protest, the SSA specifically elaborates on his best value determination. He states that he considered the offerors' color and risk ratings and determined that GRC's yellow and high risk ratings indicate "a high probability of not satisfying the requirement" and "likelihood of significant serious disruption of schedule and increase in costs or degradation of performance," with "the BMDO mission likely [to] be impacted if GRC was selected." Conversely, the SSA continues, he considered Booz-Allen's blue ratings in all areas and low risk rating to indicate that the firm

³(...continued)

of the individual evaluators. However, there is nothing inherently objectionable in a consensus rating, and the fact that some of the evaluators individually rated GRC's risk more favorably does not by itself warrant questioning the final evaluation results. Syscon Servs., Inc., 68 Comp. Gen. 698 (1989), 89-2 CPD ¶ 258; Schweizer Aircraft Corp., B-248640.2 et al., Sept. 14, 1992, 92-2 CPD ¶ 200. Rather, the overriding concern in the evaluation process is that the final assigned scores/ratings reflect the actual merits of the proposals, not that they be mechanically traceable back to the scores/ratings initially given by the individual evaluators. JWK Int'l, Inc., B-251125, Mar. 4, 1993, 93-1 CPD ¶ 205. Here, the record provides no basis to question whether the consensus evaluation accurately reflected GRC's proposal risk. In any event, the rationale underlying our above conclusion also applies here; there is no reason to believe that an improvement in GRC's risk rating from high to medium would have affected the award decision, since Booz-Allen's risk ratings (low) still would be superior in all areas.

"provided the necessary capabilities to satisfy the requirements" and that the "cost differential was justified by the increased technical and management capability." The SSA concludes that Booz-Allen's proposal offered the best value to the government, cost, and other factors considered. In light of the affidavit's consistency with the contemporaneous source selection document, we think the record contains a clearly rational basis for making award to Booz-Allen--i.e., its clear superiority under the two most important evaluation factors. There thus is no basis for objecting to the agency's tradeoff decision.

The protest is denied.

James F. Hinchman
General Counsel