



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

552195

Decision

Matter of: GPS Technologies, Inc.
File: B-256174; B-256174.2; B-256174.3
Date: May 16, 1994

William M. Weisberg, Esq., Barton, Mountain & Tolle, for the protester.
Paul Shnitzer, Crowell & Moring, for Planning Systems, Inc., an interested party.
Eric A. Lile, Esq., and L. James Gardner, Esq., Department of the Navy, for the agency.
Daniel I. Gordon, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging technical evaluation is denied where the record demonstrates that the evaluation was reasonable and consistent with the solicitation evaluation criteria.
2. Protest that awardee's proposal should have been rejected as technically unacceptable is denied where the agency evaluated both proposals which were submitted using the same flexible approach and the protester's proposal would have been technically unacceptable but for that flexible approach.

DECISION

GPS Technologies, Inc. (GPS) protests the award of a contract to Planning Systems, Inc. (PSI) under request for proposals (RFP) No. N68836-93-P-0138, issued by the Department of the Navy. GPS challenges the technical evaluation of its and the awardee's proposals.

We deny the protest.

The solicitation, issued by the Navy on August 11, 1993, called for the award of an indefinite quantity, time and materials contract for advanced maritime project management support services for a base year with 4 option years. GPS is the incumbent contractor, although the work to be performed under the RFP is somewhat different from that

being performed under GPS's current contract. The management support services covered by the RFP include seven key positions: two program analysts, two antisubmarine warfare (ASW) systems analysts, one sonar systems engineer, one logistics engineer, and one security analyst.

Section M set forth the following evaluation criteria, in descending order of importance: qualification of proposed personnel, management approach, prior performance, and cost. The qualification of proposed personnel was 2.4 times as important as the management approach and 4 times as important as prior performance.

Three offers were received by the October 8 due date, including PSI's and GPS's. The third proposal was found to be outside the competitive range; the competition was thus limited to PSI and GPS. During discussions, various deficiencies and weaknesses were brought to the attention of those two offerors. Best and final offers (BAFO) were received on December 28.

In evaluating the BAFOs, the Navy found that both proposals satisfied all RFP requirements and were therefore technically acceptable. PSI's proposal was rated higher technically, primarily due to the evaluated superiority of the qualifications of its proposed personnel. GPS proposed a cost of \$3.36 million; PSI's proposed cost was \$3.54 million. The agency performed a cost/technical tradeoff analysis and concluded that, in light of the RFP weighting of personnel qualifications as more than four times as important as cost, PSI's higher-rated technical proposal was worth the higher cost. Award was made to PSI on December 30.

GPS challenges the technical evaluation of the two proposals. In considering protests against an agency's evaluation of proposals, we examine the record to determine whether the agency's judgment was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. SDA Inc., B-248528.2, Apr. 14, 1993, 93-1 CPD ¶ 320. Here, we conclude that the evaluation met that standard.

Specifically, GPS contends that one of its proposed program analysts and one of its ASW systems analysts received unreasonably low ratings. The agency explains that the program analyst's rating reflected the fact that the proposed individual lacked familiarity with current

technology and also lacked experience in two other areas. GPS's response is that the RFP did not explicitly require "current" experience and there was no need for such knowledge here.

In our view, the agency's evaluation of the qualifications of GPS's proposed program analyst was both reasonable and consistent with the RFP criteria. The solicitation called for "comprehensive" working knowledge of the relevant technical programs, and knowledge which is not current may reasonably be assessed as less than comprehensive. Accordingly, the Navy reasonably downgraded GPS's proposed individual because, as GPS does not dispute, he lacked familiarity with the current program.¹

Regarding the qualifications of one of GPS's ASW systems analysts, the record indicates that the individual's qualifications were rated as low because he lacked adequate experience. The RFP stated that the position "require[s] the individual to possess a comprehensive working knowledge of the scope, capabilities and limitations of the Navy's ASW community with emphasis on the specialized . . . Project Beartrap sub-set of this community."² The RFP also required "demonstrated understanding" of the software and equipment associated with Project Beartrap.³

The Navy concluded that the individual proposed by GPS for this position merited only a low rating in this area because of his lack of the requisite experience. While the individual's resume referred to some Beartrap experience, the resume indicated that the person's Beartrap experience was limited and did not, in the agency's view, represent the comprehensive working knowledge called for in the RFP. The agency states that the individual, who has been working in a different capacity under GPS's current Navy contract, is known to the agency not to have adequate Beartrap

¹In addition, GPS does not dispute that the individual lacked experience in the two other areas noted by the Navy.

²Project Beartrap is an ASW program involving airborne data collection.

³As discussed below, the individual was also required to have a bachelor's degree in engineering.

experience.⁴ In these circumstances, the protester has offered no viable basis for our Office to question the reasonableness of the agency's determination that the individual's limited experience merited a low score.⁵

Finally, GPS contends that PSI's proposal should have been rejected as technically unacceptable because PSI's proposed security analyst had not completed "a formal U.S. Government sponsored classified material handling and automated data systems security course," as called for by the RFP. The Navy acknowledges that the individual proposed by PSI lacked the required course (and PSI's proposal was downgraded for this reason), but maintains that PSI's proposal was acceptable because the proposed individual had extensive experience in the security area and thus demonstrated knowledge at least equivalent to that acquired through a formal course.

The agency explains that it did not treat the minimum qualifications set forth in the RFP as absolute requirements for any offeror's proposal, and that, if it had, it would have rejected GPS's proposal as technically unacceptable. Specifically, the record demonstrates that two of GPS's

⁴The agency specifically advised GPS during discussions that the individual did not appear to satisfy the experience requirements of the RFP for that position, but GPS, in its BAFO, neither revised his resume to demonstrate that he had adequate experience nor replaced him with another, better qualified individual.

⁵Although GPS argues that the evaluators used an overly narrow definition of "comprehensive working knowledge" of, and experience in, Project Beartrap in their evaluation (emphasizing day-to-day operational experience in airborne data collection), the approach used by the evaluators does not appear unreasonable. According to the protester, in preparing its proposal, GPS relied on a broader "definition" provided by the contracting officer during a pre-proposal conference, when she mentioned, in the course of responding to a request for the names of contractors who had worked on Project Beartrap, that Beartrap was a "broad-based research and development program covering many aspects of [ASW]." That description was not provided as a definition and, in any event, GPS has not explained how its alleged reliance on that description could call into question the reasonableness of the agency's assigning a low rating to GPS's proposal for proposing an individual lacking comprehensive working knowledge of, and experience in, Project Beartrap.

proposed individuals lacked the degree in engineering which was required by the RFP.⁶ GPS does not deny that these individuals failed to satisfy the RFP requirements.

A contracting agency may properly determine that a proposal is technically acceptable where it is in substantial, although not total, compliance with a solicitation requirement. Sabreliner Corp., B-248640; B-248640.4, Sept. 14, 1992, 92-2 CPD ¶ 222. The propriety of such a determination turns on whether it prejudices any other offeror and whether the proposal meets the agency's needs. Id.

The record provides no basis to question the Navy's conclusion that the qualifications of PSI's proposed security analyst fully meet the agency's needs. The only issue, then, is whether the Navy prejudiced GPS by treating various kinds of experience as equivalent to the formal education and experience required by the RFP. The record demonstrates that GPS, in fact, benefitted from the agency's flexible approach in this regard. But for that approach, GPS's proposal would have been rejected as technically unacceptable, since the company proposed an ASW systems analyst without the requisite experience or bachelor's degree and a program analyst without the required engineering degree. We conclude that the Navy treated the two offerors equally and did not act in a way which prejudiced GPS. See Planning Sys. Inc., B-246170.4, Dec. 29, 1992, 92-2 CPD ¶ 445.

The protest is denied.


for Robert P. Murphy
Acting General Counsel

⁶One proposed program analyst had a bachelor's degree in business administration, while one ASW systems analyst was only a "candidate" for a bachelor's degree (also in business administration, rather than engineering).