

Benejam

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Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: Mentor Technologies, Inc.

File: B-258009

Date: November 17, 1994

Yong M. Cho for the protester.
Gregory Edlefsen, Esq., and Harriet J. Halper, Esq.,
Department of the Navy, for the agency.
Aldo A. Benejam, Esq., and Christine S. Melody, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

1. Protester's contention that agency improperly evaluated its proposal is denied where the record shows that the agency evaluated protester's proposal in accordance with the evaluation criteria announced in the solicitation and the record reasonably supports the protester's lower overall technical rating.
2. Award to a higher-rated, higher-priced offeror is unobjectionable under a request for proposals that stated that the technical area would be considered more important than price and the agency reasonably found that awardee's superior technical proposal was worth the higher price.

DECISION

Mentor Technologies, Inc. (MTI) protests the award of a contract to Spaceflight Systems Corporation (SSC) under request for proposals (RFP) No. N00014-93-R-CR07, issued by the Naval Research Laboratory, Department of the Navy, for the design, development, performance, and analysis of solar astronomy and astrophysics projects. MTI contends that the agency improperly evaluated its proposal. The protester also argues that award to SSC at a higher price than MTI proposed was improper.

We deny the protest.

BACKGROUND

The RFP, issued on September 21, 1993, contemplated the award of an indefinite quantity, indefinite delivery, time-and-materials, requirements contract for a base year,

with up to four 1-year options. Offerors were required to submit separate price and technical proposals in accordance with the RFP's instructions. For the base and option periods, offerors were required to propose fully burdened hourly rates for each of eight different labor categories listed in the RFP.

Section M of the RFP stated that proposals would be evaluated under two factors--technical and price--with the technical area considered more important than price. Under the technical factor, the RFP listed in descending order of importance personnel qualifications and corporate experience and capability as the only two evaluation subfactors. Award was to be made to the offeror whose proposal was most advantageous to the government.

Three firms, including the protester and the awardee, submitted proposals by the time set on October 21 for receipt of initial proposals. A source selection evaluation board (SSEB) evaluated technical proposals under the "personnel qualifications" subfactor (worth a maximum of 450 points) and "corporate experience and capability" subfactor (worth a maximum of 150 points), and calculated a total technical score for each proposal. The SSEB found all proposals technically acceptable and generated no discussion questions for any offeror.¹ The results of the evaluation, including BAFO prices, were as follows:

<u>Offeror</u>	<u>Pers. Qual.</u>	<u>Corp. Exp.</u>	<u>Tech. Score</u>	<u>BAFO Prices</u>
SSC	435	127.5	562.5	\$4,694,315
A	337.5	117.5	455	5,902,695
MTI	322.5	72.5	395	3,650,575

Based on its evaluation of proposals, the SSEB concluded that SSC's proposal was so technically superior that, despite MTI's lower proposed price, SSC's proposal was most advantageous to the government and recommended award to that firm. On July 8, 1994, the agency awarded the contract to SSC. This protest to our Office followed an agency-level protest which the Navy denied.

¹Although the agency did not conduct discussions with any offeror regarding their technical proposals, due to unforeseen delays experienced during the procurement, the Navy provided offerors an opportunity to revise their cost proposals by submitting best and final offers (BAFO).

DISCUSSION

The evaluation of technical proposals is the function of the contracting agency; our review of an allegedly improper evaluation is limited to determining whether the evaluation was reasonable and consistent with the stated evaluation criteria. CORVAC, Inc., B-244766, Nov. 13, 1991, 91-2 CPD ¶ 454. Mere disagreement with the agency's evaluation does not render the evaluation unreasonable. Id. Here, we find that the record supports the evaluation of MTI's proposal.

The RFP required offerors to provide "convincing proof" that they either had or could obtain key personnel with relevant experience as required in attachment No. 3 of the RFP, entitled "KEY PERSONNEL QUALIFICATIONS." That attachment listed each of the eight key labor categories and the minimum educational level and specific experience required of each candidate proposed for a key position. The candidate for the position of "program manager/project engineer," for example, was required to have a Master of Science (MS) degree in Space Science, or equivalent, with at least 10 years of experience performing management and/or technical duties in various scientific areas, including: scientific instrumentation for use aboard space satellites; communications, command, and control systems; embedded microprocessor systems; ground support systems; and imaging experiments. The candidate proposed to fill that position was also required to have experience in the integration of hardware and software of spaceborne electronic systems, and with mechanical and thermal aspects of spaceborne experiment design.

Attachment No. 3 also called for a senior systems engineer with 10 years of experience in "requirements definition, design, and test of reliable spaceborne electronic systems and related ground support equipment." The candidate for that position was also required to have experience in "developing specifications, test plans, and test procedures, in performing detailed digital and analog design, system redundancy and fault tolerance, high speed memory architectures, and error detect and correct coding techniques."

Although the SSEB found that the key personnel MTI proposed had a strong background in the design and review of existing designs of large spacecraft systems, it also found that MTI's proposed key personnel lacked relevant experience in the conceptual and detailed design of small solar physics experiments and instrumentation. First, neither of MTI's proposed two candidates to fill the program manager/project engineer position met the RFP's minimum educational or experience requirements. (The SSEB also found that MTI had not explained in its proposal how the two proposed program

managers, with apparently different educational backgrounds, would team manage the project.) Second, MTI's proposed senior engineers lacked experience in detailed electrical design of spaceborne electronic systems, and had no experience in structural or thermal analysis of solar physics instrumentation. In view of the RFP's clear requirements for offerors to propose key personnel with a minimum level of education and relevant experience as detailed in attachment No. 3, the SSEB reasonably downgraded MTI's proposal under the personnel qualifications evaluation subfactor.

Offerors were also required to describe their companies' experience on pertinent projects, and show the relationship of those projects and company experience to the RFP's statement of work (SOW). The record shows that MTI relied entirely on the experience of its proposed key personnel to establish its company experience and capability. Since the SSEB found that MTI's proposed key personnel lacked relevant experience, MTI's reliance on its proposed key personnel to establish its corporate experience caused it to lose a significant number of points in this area. The SSEB also found that of the seven contracts MTI discussed in its proposal, only one involved a project that was directly related to solar physics instrumentation development. Accordingly, the SSEB concluded that MTI lacked the required corporate experience in spacecraft and instrument design, and reasonably downgraded MTI's proposal under the company experience and capability evaluation subfactor.

The agency responded to MTI's protest by submitting a complete report which included the SSEB's evaluation documents, including individual evaluator's sheets, the SSEB's narrative supporting the evaluation, and its recommendation to select SSC. Except for its general disagreement with the evaluation, and its blanket statement that MTI's proposed key personnel has experience in many aspects of solar physics, the protester does not specifically rebut the low ratings the SSEB assigned its technical proposal under the personnel qualifications or company experience subfactors, nor the nearly perfect ratings the SSEB assigned SSC's proposal. Based on our review of the record we find the agency's evaluation to be reasonable and consistent with the RFP's evaluation criteria, especially since MTI has failed to specifically rebut any aspect of the agency's response to its protest.²

²Even during these proceedings MTI has not shown that it has relevant corporate experience in related projects. For example, section 3.2.1 of the SOW provided that "[t]he contractor shall develop, design and fabricate visible UV

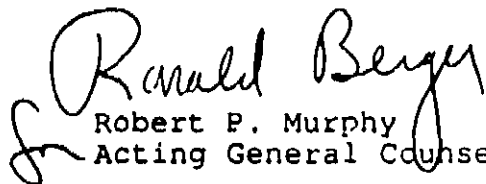
(continued...)

See Atmospheric Research Svcs., Inc., B-240137, Oct. 26, 1990, 90-2 CPD ¶ 338.

With respect to MTI's contention that award to SSC at its higher price was improper, in a negotiated procurement, there is no requirement that award be made on the basis of lowest price unless the RFP so specifies. Henry H. Hackett & Sons, B-237181, Feb. 1, 1990, 90-1 CPD ¶ 136. Price/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the established evaluation factors. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325. Awards to offerors with higher technical scores and higher prices are proper so long as the result is consistent with the evaluation criteria and the procuring agency reasonably determines that the technical difference is worth the price premium. Bendix Field Eng'g Corp., B-241156, Jan. 16, 1991, 91-1 CPD ¶ 44.

Here, we find that the agency had a reasonable basis to award to SSC at a higher price. The services to be provided are highly technical and specialized in nature, the agency found SSC's proposal to be technically superior to MTI's with respect to key personnel and corporate experience, and technical concerns were more important than price. Under these circumstances, the agency's determination that SSC's proposal was most advantageous to the government is clearly unobjectionable. See A-Enters., Inc., B-255318, Feb. 18, 1994, 94-1 CPD ¶ 133.

The protest is denied.


Robert P. Murphy
Acting General Counsel

*(...continued)

and FAR UV CCD camera systems, including appropriate ground support electronics as required." MTI concedes that it has no experience in this area.