



GAO

Accountability * Integrity * Reliability

Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: G. A. Braun, Inc.

File: B-413735

Date: December 21, 2016

C. J. Spencer, G. A. Braun, Inc., for the protester.
Maura C. Brown, Esq., Department of Veterans Affairs, for the agency.
K. Nicole Willems, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the
General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency improperly evaluated protester's proposal as technically unsatisfactory is denied where the record provides no basis to question the agency's evaluation.

DECISION

G. A. Braun, Inc., of Syracuse, New York, protests the award of a contract to Western State Design, Inc. of Hayward, California, under request for proposals (RFP) No. VA797R-15-R-0020, issued by the Department of Veterans Affairs (VA) for the procurement and installation of a thermal fluid flatwork ironing system and a large piece blanket folding system to replace existing equipment at the VA's textile processing facility in Brockton, Massachusetts.¹ Braun argues that the agency's evaluation of Braun's technical proposal was flawed.

We deny the protest.

The RFP was issued on March 16, 2016, and contemplated the award of one or more contracts to the offeror whose proposal would be the most advantageous to the government, considering, in descending order of importance, price, technical excellence, and past performance factors. RFP at 55-56. The RFP provided that, when combined, the non-price factors were slightly more important than price. Id.

¹ The solicitation was set aside for small businesses.

at 56. As relevant here, the technical excellence factor contained three subfactors of equal importance: ergonomics, space utilization, and installation timeline. Id.

Under the ergonomics subfactor, the RFP established that proposals would be evaluated based on the level of human effort required to complete the tasks as designed for equipment operation. Id. Proposals would be rated higher for information that demonstrated reductions in stress and repetitive motion. Id.

The RFP provided that, under the space utilization subfactor, proposals would be evaluated for efficient space utilization that showed satisfactory egress around all pieces of equipment.² Id. Additionally, the RFP required space utilization information provided by offerors to show that there were no bottlenecks with equipment offered that would affect overall production and space utilization. Id. The RFP further specified that units provide sufficient access for daily maintenance and cleanup with minimal adjustment of equipment or components, and that the footprint utilize available space to prevent additional construction, plumbing, electrical, or other utility connection. Id.

Under the installation timeline subfactor, the RFP provided that an offeror's demolition and installation work schedule and phasing plan would be evaluated, and advised that the plan should provide sufficient detail to enable the agency to determine the effect on production and operations. Id. In this regard, the RFP noted that offerors should meet the contract minimum installation schedule, which included working only on weekends (if required), and indicated that a shorter installation time would be rated more highly. Id. The RFP also explained that the laundry operates 8 hours a day, Monday through Friday, and advised that an offeror should ensure that its installation timeline creates as little down time as possible. Id.

The agency received two proposals in response to the RFP, submitted by the protester and the awardee. Agency Report (AR) at 3. The agency concluded that the equipment proposed by both offerors met the minimum technical requirements, and then evaluated proposals under the factors and subfactors described above. Id. The evaluation of the proposals for the ironing system and the blanket folder resulted in the following technical ratings, which are being presented in conjunction with the offerors' proposed prices:

² Specifically, the RFP provided that proposals must reflect a minimum of 24 inch egress around non-moving pieces and a minimum of 36 inches around moving pieces. RFP at 56.

	G.A. Braun	Western State Design, Inc.
Item 1: Ironing System		
Technical Excellence	Unsatisfactory	Excellent
Price	\$629,595	\$675,170
Item 2: Blanket Folding System		
Technical Excellence	Unsatisfactory	Excellent
Price	\$149,450	\$198,076
Total Price	\$779,045	\$873,246

AR, Exhibit 16 Debriefing, at 1-4; Exhibit 13, Source Selection Decision, at 3.³

The source selection authority conducted a best-value tradeoff between the two proposals and selected Western State Design, Inc. for award. The protester received a written debriefing on September 6, and this protest followed.

Abandoned Issues

In its protest, Braun presented a point-by-point challenge to the agency's evaluation findings under the technical excellence subfactors for both its proposed ironing system and its proposed blanket folding system. The protester also argued that the agency failed to consider the cost savings related to Braun's lower proposed price. The agency submitted an agency report that substantively addressed each of the protester's arguments. The protester responded to only a few of the agency's arguments in its comments on the agency report, leaving the majority of the agency's arguments unanswered. Specifically, Braun did not respond to the agency's arguments regarding the evaluation of its ironing or blanket folding systems under the installation timeline subfactor; the agency's arguments regarding the evaluation of the blanket folding system under the space utilization subfactor; key portions of the agency's arguments regarding the evaluation of Braun's ironing system under the space utilization subfactor; and the agency's assertions that it properly considered Braun's lower proposed price when making its source selection.

Where, as here, an agency provides a detailed response to a protester's assertions and the protester either does not respond to the agency's position or provides a response that merely references or restates the original protest allegation without substantively rebutting the agency's position, we deem the initially-raised arguments

³ Because there was no protective order issued for this protest, we are only including information about the evaluation of proposals that relates to the issues discussed in this decision.

abandoned. Bannum Inc., B-411586.2, Jan. 6, 2016, 2016 CPD ¶ 13 at 4. We therefore conclude that, aside from the arguments discussed below, the arguments raised in Braun's initial protest have been abandoned, and we will not consider them further. See Id.

DISCUSSION

The remaining arguments raised by the protester challenge the agency's assignment of unsatisfactory ratings to both of its proposed systems under the ergonomics subfactor, as well as the assignment of an unsatisfactory rating to its proposed ironing system under the space utilization subfactor. Regarding the agency's evaluation of the protester's proposed equipment under the ergonomics subfactor, Braun argues that the unsatisfactory rating for Braun's proposed ironing system resulted from an incorrect understanding of the height of Braun's machinery. Regarding the unsatisfactory rating assigned to Braun's proposed blanket folding system under the ergonomics subfactor, Braun disagrees with the agency's conclusion that the height of the blanket folding system would lead to poor ergonomic performance. Regarding the agency's assignment of an unsatisfactory rating to Braun's proposed ironing system under the space utilization subfactor, the protester argues that the agency improperly calculated the length of its ironing system when conducting its evaluation.

In reviewing an agency's evaluation, we do not conduct a new evaluation or substitute our judgment for that of the agency but, instead, examine the record to determine whether the agency's evaluation was reasonable and in accord with the solicitation's evaluation criteria. Gella LLC, B-409917.11, Jan. 6, 2016, 2016 CPD ¶ 14 at 2-3. The protester bears the burden of proving that an evaluation was unreasonable, and disagreement with the agency's evaluation, without more, provides no basis to question the reasonableness of the evaluators' judgments. Id. Here, given that the protester abandoned many of its initial arguments, and in light of the arguments discussed below, we find no basis to sustain the protest.

Ergonomics Subfactor

Regarding the evaluation of its proposed ironing system under the ergonomics subfactor, Braun initially argued that the agency was incorrect in its finding that the spreader/feeder loading mechanism would result in poor ergonomic performance because it had a clip height that was 55 inches above the finished floor. In this regard, Braun argued that its proposal clearly indicated that the load mechanism height was only 48 inches. Protest at 1. The agency responded to the protester's argument, noting that Braun's proposal indicated that the clip load for the feeder is 55 inches high. AR at 9. Consistent with the agency's argument, the protester's proposal includes the following: "The clip load height [of the feeder] is 55" high above finished floor, with quality grading and clamp release buttons being at 63" high." AR, Exhibit 6, Braun's Technical Proposal, at 1.

In response to the agency's argument, the protester does not dispute the reference to its proposal provided by the agency, but contends that other portions of its proposal clearly indicated that the sheet feeding system had a clip height of 48 inches. According to the protester, the agency should have identified those portions of its proposal during its technical review. Protester's Response, December 7, 2016. We find the protester's arguments on this point to be unpersuasive in light of our previous decisions in which we have found that an offeror is responsible for submitting a well-written proposal with adequately-detailed information that allows for a meaningful review by the procuring agency. Aerostar Perma-Fix TRU Servs., LLC, B-411733, B-411733.4, October 8, 2015, 2015 CPD ¶ 338 at 8. Where, as here, a proposal is unclear or inconsistent, the offeror risks having such an inadequately written proposal evaluated unfavorably. Id. It was not improper for the agency to rely upon information provided in Braun's proposal, despite the fact that it might have been inconsistent with information provided elsewhere in the proposal, and it was Braun's responsibility to ensure that its proposal was clear and consistent.

Regarding the agency's assignment of an unsatisfactory rating to Braun's blanket folding system under the ergonomics subfactor, Braun does not dispute that the clip feeding height for the blanket folding system is 55 inches. Rather, the protester takes issue with the agency's finding that hanging sheets at shoulder height, rather than waist height would result in poor ergonomic performance. Protest at 3. In this regard, Braun primarily argues that many of these systems are currently in use, and that "Waist High" is not a measurable standard and is not a standard referenced by the Occupational Safety and Health Administration (OSHA). Id.

The RFP established that proposals would be evaluated under the ergonomics subfactor based on the level of human effort required to complete the tasks as designed for equipment operation. RFP at 56. The RFP further provided that proposals would be rated higher for information that demonstrated reductions in stress and repetitive motion. Id. The agency evaluated the protester's proposed equipment and concluded that the height of the clip load would require hanging sheets at shoulder height, which would decrease the comfort of the operator and potentially increase the level of stress on the operator's joints. AR, Exhibit 16, Debriefing, at 3. While the protester complains about the agency's rationale, it provides no argument as to why the agency's assessment is incorrect. Ultimately, Braun's arguments amount to nothing more than disagreement with the agency. As noted above, a protester's disagreement with the agency's judgment does not establish that the evaluation was unreasonable. WAI-Stoller Servs., LLC; Portage, Inc., B-408248.13 et al., May 29, 2015, 2015 CPD ¶ 201 at 7.

Space Utilization Subfactor

Braun also takes issue with several aspects of the agency's evaluation of its ironing system under the space utilization subfactor as detailed by the agency in Braun's debriefing.⁴ Specifically, Braun argues that, contrary to the agency's findings, it should not have been required to use an existing 90 degree linen transfer conveyor, because it was not explicitly required to do so by the solicitation. Protest at 1. According to Braun, utilizing the existing equipment would increase the overall footprint without offering any value to the laundry. Id. The protester also disagrees with the agency's findings that its equipment would block the cart and walkway to within one foot of the dryer.⁵ Id.

The agency responded to the protester's arguments in its agency report. Regarding the use of the 90 degree conveyor, the agency contends that the solicitation sought the replacement of two pieces of equipment in a highly functioning laundry, and that the solicitation did not provide for the removal of other functioning equipment. AR at 10. The agency further noted that, as a practical matter, removal of the conveyor would require operators to manually move the sheets to the ironing system, which would be slower and more labor intensive than if the conveyor were in use, and that Braun's plans did not allow room for the operation of carts that would have to be

⁴ Braun initially challenged the agency's evaluation of its blanket folding system under the space utilization subfactor, as well, arguing simply that "[its] equipment fit within the allotted footprint and it was not stated that the shortest system would win the award." Protest at 3. In its report, however, the agency provided a detailed explanation regarding the problems with trying to fit Braun's proposed blanket folding system into the available space. Braun did not respond to any of the agency's arguments in its comments. Protester's Response, December 7, 2016. As discussed above, we thus consider Braun's challenges to the agency's evaluation of its blanket folding system under this subfactor to be abandoned.

⁵ In the debriefing provided to Braun, the agency explained its rationale for assigning an unsatisfactory rating to Braun's proposed ironing system under the space utilization subfactor. As relevant to the protester's arguments above, the agency explained as follows:

Space is a major concern for the facility. The smallest equipment works best for their needs. . . . In addition, based on the drawing submitted, G.A. Braun is not using the existing 90 degree linen transfer conveyor. This conveyor is not being used as a trade-in and should be reutilized. If G.A. Braun did use the 90 degree conveyor, it would extend the overall length of the system another 2 inches. The offered ironer system is much longer than the one currently in place. With the front conveyor for employees to feed sheets, it impedes upon the cart and walkway to within one foot of the dryer.

AR, Exhibit 16, Debriefing, at 2.

utilized as part of that process. Id. at 10-11. Finally, the agency argued that Braun's plan to remove current functioning equipment constituted an exception to the agency's requirements, rendering its proposal unacceptable.

The agency report also contained a detailed description of the problems that would occur if the agency were to try to place Braun's equipment in the available space.⁶ AR at 12-13. As part of this description, the agency referenced the floor plan included in Braun's proposal, noting that the diagram contained inaccuracies regarding some of the preexisting equipment. For example, according to the agency, Braun did not properly locate the existing overhead rail system, misrepresenting the agency's ability to use the rail system with the protester's proposed layout. Id.

The protester's response to the agency's arguments amounts to a single complaint that the agency miscalculated the overall length of its proposed ironing system. Specifically, the protester contends that the agency did not take into account the sections of the machinery that would overlap, instead just adding the dimensions of each section together to arrive at a total length that was overstated.⁷ Comments at 1; Protester's Response, December 7, 2016.

As an initial matter, we find that the debriefing detailed the agency's calculation of the length of Braun's proposed ironing system, which should have put the protester on notice that the agency determined the length by adding together the length of each piece of equipment, based on the technical specifications provided in the protester's proposal. AR, Exhibit 16, Debriefing, at 2. This calls into question the timeliness of the protester's arguments in this regard, as the protester did not raise that particular challenge in its initial protest. We further note that while the protester complains that the agency used the incorrect methodology, the protester has not pointed to any portion of its proposal that would have provided the agency with the correct measure of its ironing system, taking overlap into consideration. Additionally, the floor plan provided by Braun in its proposal does not appear to include that information, and, according to the agency, contains other inaccuracies

⁶ Consistent with the agency's position that the protester was not permitted to discontinue use of the linen transfer conveyor, the agency's arguments in this regard assume that the linen transfer conveyor would need to be included in a floorplan in concert with Braun's proposed ironing system.

⁷ We note that, based on this argument alone, we would be hard pressed to conclude that the unsatisfactory rating assigned to Braun's proposed ironing system under the space utilization subfactor was improper given the other justifications for the rating provided by the agency in its evaluation. The agency's justifications were bolstered by arguments provided in the agency report and unrebutted by the protester in its comments.

which remain unchallenged by Braun. Finally, without an explanation as to how the equipment would fit in the available space if the agency had used different calculations, we fail to see how the protester's complaint, if true, would address the problems identified by the agency.

As previously discussed, where a proposal is unclear or inconsistent, the offeror risks having such an inadequately written proposal evaluated unfavorably. Issues with Braun's plan to discontinue use of the linen transfer conveyor notwithstanding, in this case, it is not clear that the protester provided the agency with the information needed to properly evaluate its proposed equipment under the space utilization technical excellence subfactor. Additionally, where an agency provides a detailed response to a protester's assertions and the protester fails to rebut or otherwise substantively address the agency's arguments in its comments, the protester provides us with no basis to conclude that the agency's position with respect to the issues in question is unreasonable or improper. Gella LLC, supra, at 2. As such, we have no basis upon which to conclude that the agency erred in its evaluation of Braun's proposed ironing system under the space utilization subfactor.

In conclusion, our review of the record supports the agency's evaluation of Braun's proposal, and we have no basis to find that the agency acted unreasonably in awarding to Western.

The protest is denied.

Susan A. Poling
General Counsel