



# Decision

**Matter of:** South Bay Sand Blasting and Tank Cleaning, Inc.

**File:** B-416822

**Date:** December 20, 2018

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Clinton L. Hubbard, Esq., Law Offices of Clinton D. Hubbard, for the protester. Lisa N. Foster, Esq., and David J. Kelly, Esq., Department of the Navy, for the agency. Katherine I. Riback, Esq., and Amy B. Pereira, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest challenging the agency's evaluation of protester's proposal under the technical capabilities factor is denied where the record shows that the evaluation was reasonable and consistent with the terms of the solicitation.

## DECISION

South Bay Sand Blasting and Tank Cleaning, Inc., a small business of National City, California, protests the exclusion of its proposal from competition by the Department of the Navy, Naval Sea Systems Command, under request for proposals (RFP) No. N4523A18R0826 for preservation services for aircraft carriers, submarines, and other surface vessels. South Bay alleges that the agency failed to properly evaluate its proposal under the technical capabilities factor of the RFP.<sup>1</sup>

We deny the protest.

## BACKGROUND

On May 8, 2017, the agency awarded two 5-year multiple-award, fixed-price, indefinite-delivery, indefinite-quantity (IDIQ) contracts for preservation services with a \$260.1 million maximum ordering ceiling. Agency Report (AR), Contracting Officer's Statement /Memorandum of Law (COS/MOL) at 2. The multiple-award contracts

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<sup>1</sup> Our Office did not issue a protective order in connection with this protest. Accordingly, our discussion of some aspects of the evaluation is necessarily general in nature.

included provisions for on-ramping additional preservation contractors during the ordering period, depending on government resources and market conditions. Id. On February 23, 2018, using the procedures in Federal Acquisition Regulation (FAR) part 15, the agency issued the instant solicitation on the Federal Business Opportunities (FedBizOpps) website seeking to on-ramp additional contractors through the award of additional multiple-award IDIQ contracts.<sup>2</sup> Id.; AR, Tab 3, RFP at 1, 100. The solicitation requires offerors to provide all management, labor, staging, containment, material, support services, and equipment necessary to perform preservation services, as well as provide personnel for certain positions. RFP at 5-6.

Award was to be made on a lowest-priced, technically acceptable (LPTA) basis, considering technical capabilities, past performance and price. Id. at 100. The RFP provided that the technical capabilities and past performance factors would be rated as either acceptable or unacceptable, and that an unacceptable rating for any factor would render a proposal ineligible for award. Id. at 100-101.

With regard to the technical capabilities factor, the solicitation required that an offeror's proposal meet minimum requirements, including, that the "[t]he offeror provide[ ] a resume and certifications for the Safety and Health Manager as referenced and IAW [in accordance with] section C." Id. at 101. In this regard, the RFP required that the contractor provide "a Safety and Health Manager" for orders issued under this contract. Id. at 6. Section C of the RFP specified that the contractor safety and health manager have "at least 5 years of experience in marine preservation efforts in a U.S. Navy shipyard environment with two (2) or more years of direct experience with standards and specifications for application of coating systems and shall be able to ensure the requirements of federal, state, local laws, codes, ordinances, and regulations are met." Id.

The agency received seven proposals by the March 26 closing date, including that of South Bay. COS/MOL at 4. The source selection evaluation board (SSEB) evaluated proposals and presented its findings to the source selection advisory committee (SSAC), which recommended to the source selection authority (SSA) that it was in the best interest of the government to enter into discussions with all offerors. The SSA established a competitive range of all seven offerors. AR, Tab 4, SSEB Initial Consensus Rating Summary; COS/MOL at 5. The agency notified South Bay, via email, that despite its inclusion in the competitive range its technical proposal was rated as unacceptable. The agency also provided South Bay an evaluation notice (EN) explaining the deficiency in its proposal. AR, Tab 5, Agency Email to South Bay (July 3, 2018). The EN explained that the resume proposed by South Bay for the contractor safety and health manager position (Mr. G), "failed to demonstrate at least 5 years experience in marine preservation efforts in a U.S. Navy Shipyard environment," as required by the RFP. AR, Tab 6, EN from Agency to South Bay. The agency, in the

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<sup>2</sup> Citations to the solicitation are to the conformed copy provided by the agency at tab 3 of the agency report.

EN, instructed South Bay to “expand/update resume to include experience indicated above or supply resume of individual that does meet all the requirements of Section C.” Id. All offerors in the competitive range, including South Bay, submitted final proposal revisions by the July 10 due date. COS/MOL at 5.

In its final revised proposal South Bay submitted two new resumes for individuals not previously identified for the position of safety and health manager. AR, Tab 7, South Bay Response to EN (July 10, 2018); COS/MOL at 6. These resumes, of Mr. M and Mr. L, were submitted “to provide additional years of experience and fulfill the proposal requirements.” AR, Tab 7, South Bay Response to EN (July 10, 2018). The SSEB examined Mr. M and Mr. L’s resumes and determined that South Bay’s newly submitted resumes did not “demonstrat[e] at least 5 years of experience in marine preservation efforts in a U.S. Navy Shipyard environment with 2 years of direct experience with Standards and Specifications for Application of Coating Systems.” AR, Tab 9, SSEB Report Addendum, at 3. The agency assigned an unacceptable rating to the proposal under the technical capabilities factor and an unacceptable rating overall. Id. South Bay was notified that its proposal was not selected for award and this protest to our Office followed.

## DISCUSSION

South Bay protests the agency’s evaluation of its proposal under the technical capabilities factor. The protester contends that “[i]t’s listed personnel have extensive recent preservation experience.” Protest at 1. In its comments on the agency’s report, South Bay further argues that the agency should have considered together the resumes of Mr. G, submitted with its initial proposal, and the resume of Mr. M, submitted with its revised proposal, to meet the requirements of the safety and health manager.<sup>3</sup> Comments at 2. According to the protester, Mr. G satisfied the 2-year experience with standards and specifications for application of coating systems, and Mr. M with “seven years in the marine preservation field,” met the requirement for 5 years of experience in marine preservation efforts in a U.S. Navy shipyard environment.<sup>4</sup> Id. at 2-3.

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<sup>3</sup> The protester states that the resume of Mr. L, included in its revised proposal, was submitted in error, and that it did not disagree with the agency’s evaluation of that resume. Comments at 2 n.1.

<sup>4</sup> While we do not address each and every argument raised by the protester, we have considered them all and find that none provide a basis to sustain the protest. For example, in its protest South Bay argued that during discussions the agency only notified it that it did not meet the years of experience but did not raise any concerns regarding the type of experience provided in its resumes. In addition, the protester argued that the agency was aware of its preservation experience and that it should have been clear from the context of its resumes that it “implicitly” met the preservation requirement. Protest at 1. However, South Bay’s comments failed to respond to the agency report, which fully addressed these issues. We therefore find that South Bay

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In reviewing protests of allegedly improper evaluations, it is not our role to reevaluate proposals; rather, we will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. IN2 LLC, B-408099 et al., June 18, 2013, 2013 CPD ¶ 149 at 5. It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information that clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. Mike Kesler Enters., B-401633, Oct. 23, 2009, 2009 CPD ¶ 205 at 2-3. Agencies are not required to infer information from an inadequately detailed proposal, or to supply information that the protester elected not to provide. Affolter Contracting Co., Inc., B-410878, B-410878.2, Mar. 4, 2015, 2015 CPD ¶ 101 at 7. A protester's disagreement with an agency's judgment, without more, is not sufficient to establish that an agency acted unreasonably. A&T Sys., Inc., B-410626, Dec. 15, 2014, 2015 CPD ¶ 9 at 3.

The agency states that it required a single resume for the contractor safety and health manager position, rather than multiple resumes to meet the position requirements. COS/MOL at 9 n.2. The agency points out that the language of the RFP made it clear that the agency was seeking one individual for the position of safety and health manager because this position consistently was referenced in the RFP in the singular form. See e.g. "the Safety and Health Manager." RFP at 101. Even if we agree with the agency that the language of the RFP made it clear that the agency was seeking one individual for the safety and health manager position, we need not address this issue further because the agency evaluated both resumes that South Bay proposed for this position in its revised proposal.

The agency determined that the solicitation requirements for the safety and health manager were not met by the combined experience of Mr. M and Mr. L. COS/MOL at 9 n.2. The agency argues that it evaluated the resumes of Mr. M and Mr. L and reasonably determined that, when both resumes were considered together, they failed to demonstrate 5 years of marine preservation efforts in a U.S. Navy Shipyard environment, and 2 years of direct experience with standards and specifications for application of coating systems. AR, Tab 9, SSEB Report Addendum, at 3.

As stated above, the protester argues in its comments that the agency should have considered together the resumes of Mr. G, submitted with its initial proposal which meets the 2 year requirement, and the resume of Mr. M, submitted with its revised proposal, to meet the requirements of the safety and health manager. Comments at 2. However, our review of the record demonstrates that, even if the agency had considered the resume of Mr. G, submitted with South Bay's initial proposal, along with the resume of Mr. M, submitted with its revised proposal, as the protester now argues, the requirements of the safety and health manager would still not be met because

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abandoned these protest grounds. COS/MOL at 5, 7-8; American Sys. Consulting, Inc., B-298033.4, B-298033.5, Mar. 28, 2007, 2007 CPD ¶ 65 at 5 n.3.

neither proposed individual had the required 5 years of experience in marine preservation efforts in a U.S. Navy shipyard. AR, Tab 6, EN from Agency to South Bay; Tab 9, SSEB Report Addendum, at 3; COS/MOL at 9 n.2.

Regarding the protester's argument that Mr. M had more than 5 years experience in the marine preservation field, while the agency agreed that Mr. M had experience in the maritime industry, including more than 5 years of experience as an environmental health and safety manager, the agency also found that Mr. M's resume lacked marine preservation efforts in a U.S. Navy Shipyard environment, as required by the RFP. Comments at 3; COS/MOL at 6. The protester has provided additional information in its protest filings describing how specific information on the resume met the requirement, however, much of this information is not contained in Mr. M's resume provided as part of South Bay's proposal. We find reasonable the agency's determination that Mr. M's resume failed to demonstrate 5 years of marine preservation efforts in a U.S. Navy Shipyard environment. We further find that, based on the agency's determinations that none of the three resumes demonstrated the required 5 years of marine preservation efforts in a U.S. Navy shipyard, the proposed resumes of Mr. G, Mr. L and Mr. M, individually, and collectively, failed to meet the RFP's experience requirements for the position of safety and health manager. While the protester may disagree with the agency's evaluation of the resumes it provided, its arguments provide no basis to sustain the protest.

The protest is denied.

Thomas H. Armstrong  
General Counsel