

**DECISION**

*Kathleen Parker*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*PL<sup>2</sup>*  
*7588*

**FILE: B-190504**

**DATE: September 11, 1976**

**MATTER OF: Genasys Corporation**

**DIGEST:**

1. Protester was not reasonably misled by interpretation of solicitation given by agency official because protester's alleged interpretation was inconsistent with the solicitation and its statements prior to submission of proposal indicate understanding of the solicitation's requirements.
2. Agency determination that proposal was outside of competitive range due to the lack of experience of key personnel was in accordance with evaluation criteria which stated that specific experience in technical qualification areas would be appraised.
3. Protester failed to show that the agency considered quantity of personnel in excess of the estimated government requirements to be a relevant factor in its evaluation of proposals.
4. Claim for proposal preparation expenses is denied because procuring activity's actions were not arbitrary or capricious.

Genasys Corporation protests the award of two contracts under Request for Proposals No. 5928, issued by the United States Geological Survey, Department of the Interior. The solicitation requested proposals for computer programming and related services for Data Base Systems, Minicomputer Systems, Computer Graphics Systems and General Computer Programming.

The protester believes that the solicitation as originally issued was defective because the firm was unable, in formulating its proposal, to determine the trade off between its technical proposal and price proposal. The protester points out that Appendix I of the solicitation describes the functions of various positions, or labor categories such as the project manager, and provides a narrative description of the

prerequisites for these positions, including in part, minimum experience and academic requirements. The solicitation also contains a list of "technical qualification areas," such as experience with IBM 370/155, FORTRAN, COBOL and BASIC, and assigns evaluation points in each of these technical areas. The protester claims it is unable to determine what trade off it should make between technical merit and price because the solicitation does not articulate with sufficient definiteness how one could obtain the maximum points assigned in each of these technical evaluation areas. Although the solicitation provides an evaluation formula in which the technical proposal is given three times more weight than price, we understand the protester's concern to relate to its own inability to make the trade off judgments necessary to formulate technical and price proposals rather than to the weight to be given these factors in the evaluation of proposals.

Prior to the closing date for submission of initial proposals Genasys expressed its concern to the Government's authorized representative for this procurement. Genasys was furnished a written response to the effect that the agency would not develop benchmarks to evaluate the potential variations of experience in the technical qualification areas which could be proposed. Each member of the evaluation panel was to use acquired knowledge of computer programming and the tasks to be assigned to the contractor in making an evaluation. Genasys was not satisfied with this response and, in the absence of the contracting officer, discussed its problem with the contracting officer's superior. Genasys erroneously was advised by this individual that the maximum points in each technical qualification area would be awarded if the proposed personnel met the minimum requirements in the solicitation's narrative job descriptions. This individual subsequently contacted Genasys by telephone and qualified his response to the effect that an offeror would receive "nearly" the maximum rather than the maximum points and that it could not be defined precisely which offer would obtain the maximum number of points.

Genasys states that in a debriefing session, conducted after Genasys' proposals were found to be outside of the competitive range, agency representatives indicated they were not aware of the advice Genasys received from the contracting officer's superior regarding what an offeror needed to propose to be considered acceptable. Genasys asserts that it was misled to believe that the Appendix of "Personnel Qualifications" were minimum qualifications and that so long as it offered personnel meeting those qualifications in the quantities specified, its proposal would be technically acceptable.

In our opinion, it should have been apparent to Genasys that the points assigned to the technical qualification areas listed in the solicitation could not be disregarded in the absence of a written amendment to the solicitation. The solicitation made it clear that proposals were to be evaluated in accordance with the weights assigned to the technical areas. The fact that personnel proposed by an offeror for specific labor categories also had to meet the description of general experience and educational background listed in the Appendix for those positions should not have led Genasys to believe that by merely proposing an adequate number of personnel whose resumes paraphrased the job descriptions in the Appendix, its proposal would necessarily be technically acceptable. For example, the solicitation's job descriptions in the Minicomputer Systems area did not expressly specify minimum experience with COBOL, BASIC, IBM 370/155, graphics software, graphics hardware, or experience with hydrologic data bases, even though these technical qualification areas accounted for forty out of the possible 100 points in the technical evaluation of the Minicomputer area. Similarly, the job descriptions in the Data Base Systems area did not expressly mention experience with IBM 370/155, Honeywell MULTICS, or hydrologic data bases, which constituted twenty-nine of the possible 100 points in the technical evaluation of the Data Base Systems area. Thus it should have been clear that the Appendix of personnel qualifications for specific labor categories was not intended to establish definitive minima for the evaluation of proposals. See Computer Sciences Corp., B-189223, March 27, 1978, 78-1 CPD 234.

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Moreover, we disagree with Genasys' position that it could formulate a competitive proposal only if proposals were given maximum technical scores for meeting the minimum requirements listed in the Appendix under the specific labor categories. Genasys understood that it would be evaluated for experience specified under the "Technical Qualifications" in addition to the personnel requirements in the Attachment. Genasys stated in a letter to the agency:

"From the above and from the brief conversation that ensued, [the agency's representative] concluded that if our firm provided sufficient quantity of personnel (as reflected on page E-6 of the RFP) who met the minimum requirements (Attachment I of RFP) and our corporation displayed capability to draw from those personnel some experience in each of the subcriteria, then we would be awarded the maximum number of points in each subcriteria."  
(Emphasis added.)

We think it is obvious from the solicitation and consistent with the contracting officer's written advice that the Government wanted to retain flexibility in evaluating the potential mix of experience in the technical qualification areas it could expect to receive. It properly was left to the offerors to formulate the best combination of technical qualifications to perform the work.

Genasys next asserts that there was no reasonable basis for the agency's decision not to include Genasys in the competitive range for the Minicomputer and Data Base systems service areas. The technical review committee's comments on Genasys' Minicomputer Systems proposal are as follows:

"Most staff experience related to large computers rather than minicomputers. Minicomputer background limited mostly to one project for the entire company. Resumes did not contain information relative to length of employment or specific experiences."

In addition, the technical evaluation report on Genasys' Minicomputer System proposal states:

"This company is not able to support the data base requirements (2 man-years of effort) outlined in the RFP because they are deficient in FORTRAN and BASIC programming experience; many of the proposed personnel do not have sufficient experience with a broad range of machine and minicomputer projects; they have inadequate exposure to hydrologic data bases; they lack experience with data base design and implementation on minicomputers; and there is insufficient background in minicomputer costing and hardware selection."

Genasys asserts that the evaluation committee's finding that the personnel which Genasys offered for the Minicomputer System Area were "deficient" in experience with FORTRAN and BASIC computer languages was not supportable. Genasys points out that it offered, in chart form and by supporting resumes, twelve staff members who possessed FORTRAN experience and ten who possessed BASIC experience.

The agency findings, quoted above, indicate that the agency evaluated the personnel proposed by Genasys on the basis of the nature of the specific experience described in the resumes submitted, rather than merely on the basis of the tabular listing of those persons Genasys claimed had FORTRAN and BASIC experience. In this regard, we note that the resumes of persons proposed by Genasys identify specific experience with FORTRAN for persons in only five out of the ten labor categories. Other resumes merely noted that the person had "Software Proficiency" in FORTRAN. The resume of the person which Genasys proposed for the "senior minicomputer programmer" labor category, for which position the Appendix required FORTRAN experience, contained no description of experience with FORTRAN. We also note that the resume of only one person proposed by Genasys listed any specific experience with BASIC.

No matter how capable a firm may be, it must demonstrate its qualifications in its proposal. Where an offeror fails to communicate its abilities in a form enabling the agency to determine whether those

capabilities meet its minimum needs, it may be eliminated from the competitive range. See University of New Orleans, B-184194, January 14, 1976, 76-1 CPD 22; PRC Computer Center, Inc. et al., 55 Comp. Gen. 60, 69 (1975), 75-2 CPD 35, at 11.

Here, experience with FORTRAN and BASIC were significant evaluation factors, accounting for, respectively, 12 and 10 points out of 100 assigned to technical qualifications. It was reasonable for the agency to examine the resumes of the personnel submitted by Genasys to ascertain whether the experience of Genasys' personnel with FORTRAN or BASIC was sufficient for the purposes of this contract. See Management Information Technology, B-190453, March 15, 1978, 78-1 CPD 205. In the circumstances we do not find unreasonable the agency's evaluation of Genasys' proposal.

The agency also found that most of Genasys' staff experience related to large computers rather than minicomputers and that Genasys lacked experience with a broad range of machines and minicomputer projects. Although Genasys submitted a list of machines with which its personnel purportedly had "Machine Proficiency", the descriptions of experience in the resumes of the proposed personnel did not support these lists.

In addition to deficiencies in the breadth of experience with various computer languages and hardware, the technical evaluation committee found that Genasys offered an insufficient number of personnel having experience with hydrologic data bases. Genasys' proposal contains the resume of only one person having any experience with hydrologic data bases. That person's three years of experience in programming minicomputers was just sufficient to meet the minimum of three years experience required of a "minicomputer analyst." We think it reasonable for the agency to give a lesser technical evaluation to Genasys for providing one minicomputer analyst with hydrologic data experience than it gave to another offeror (D.T.I.) which offered a minicomputer consultant/project manager, a senior minicomputer analyst, and a senior minicomputer programmer, all with hydrologic data base experience.

The fact that Genasys was outside of the competitive range for the minicomputer area and within the competitive range for the General Programming area is not inconsistent, even though some of the evaluation subcriteria (technical qualifications) were the same. For example, Genasys received proportionately more points for FORTRAN experience in the General Computer Programming area (10 out of 11) than it did in the Minicomputer area (8 out of 12). Such scoring was rational because Genasys showed specific FORTRAN experience in seven out of nine labor categories for the General Computer Programming area, while it showed specific FORTRAN experience in only five out of ten labor categories and showed no specific experience in one labor category where FORTRAN experience was specifically required in the labor category description in the Appendix.

Based on our review of the record relating to the evaluation of Genasys' proposal for the minicomputer service area, we conclude that there is rational support for the agency's determination that Genasys' proposal was outside of the competitive range.

Genasys has not made any specific allegations to support its statement that the agency's determination to exclude it from the competitive range for the Data Base Systems area was unreasonable. Nevertheless, we have also reviewed the proposal submitted by Genasys for that area. The agency's determinations that Genasys lacked sufficient specific experience and background with System 2000 was reasonable. Although Genasys included in its proposal a letter from MRI Systems Corporation offering to provide to Genasys, on a subcontract basis, System 2000 related service, there was no indication of the extent of service or the specific experience of personnel to be provided.

The agency's determination that Genasys lacked sufficient experience and background with PL II and with the IBM 370/155 is also supported by the record. The resumes submitted by Genasys showed specific experience with PL II in only four out of the twelve labor categories and specific experience with the IBM 370/155 in only one labor category.

The agency also reasonably found that Genasys lacked sufficient hydrologic data base experience

because only one of its proposed personnel had hydrologic data base experience. Finally, we note that although the data base consultant/project manager was required to have experience working with environmental data stored by System 2000, MRDS, MIDS or GYPSY, the resume of the person proposed by Genasys did not show such experience, while the person proposed by the successful offeror did.

Considering the deficiencies in Genasys' proposal, we conclude that a rational basis existed for the agency's determination that Genasys was outside of the competitive range for that portion of the procurement.

Genasys contends that the evaluation committee improperly considered the quantity of proposed personnel to be a major factor in its evaluation of proposals without regard to the man-hour requirements specified in the RFP. The man-hour requirements to which Genasys refers specified the estimated number of hours to be required for each labor category. The agency has stated that preference during the evaluation was not given to a firm for proposing more than a sufficient quantity of personnel to meet the estimates for each labor category.

Our review of the evaluation committee's determinations and the proposals of Genasys for both the Minicomputer and Data Base areas and of the successful offerors in each of these areas has revealed no support for the protester's contention. There is no indication that the agency gave additional credit for having more than sufficient personnel with relevant experience in a given labor category.

Accordingly the protest is denied.

Genasys also has claimed that, if the present contract is not terminated, it is entitled to damages in the form of proposal preparation costs because of alleged Government improprieties. An offeror, in order to recover proposal preparation costs, must show that an agency has acted arbitrarily and capriciously in evaluating proposals. See William D. Freeman, M.D., B-191050,



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February 10, 1978, 78-1 CPD 120. Here, we have determined that there was a reasonable basis for the agency's determination that Genasys was outside of the competitive range and no arbitrary and capricious act by the agency has been alleged and proven by the protester.

Consequently, Genasys' claim for proposal preparation expenses is denied.

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of the United States