



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Castle-Rose, Inc.

File: B-407122

Date: November 13, 2012

Jason Smith for the protester.

David G. Fagan, Esq., Department of Veterans Affairs, for the agency.

Susan K. McAuliffe, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester's challenge to agency's evaluation of its proposal is denied where record shows that the evaluation was reasonable and consistent with terms of solicitation.

DECISION

Castle-Rose, Inc., of Kelso, Washington, protests the award of a contract to Kevcon, Inc. of Escondido, California, under request for proposals (RFP) No. VA260-12-R-0012, issued by the Department of Veterans Affairs (VA) for repair services at the VA Medical Center in Walla Walla, Washington. The protester challenges the agency's evaluation of its proposal.

We deny the protest.

BACKGROUND

The RFP, issued on April 6, 2012 as a set-aside for service-disabled veteran-owned small business concerns, contemplated the award of a fixed-price design-build construction contract to repair the steam infrastructure for the VA Medical Center in Walla Walla, Washington. As indicated in the RFP's Scope of Work (SOW), the project was for the "Design and Re-Build" of sections of the medical center's existing steam loop. RFP, Attach. 2, SOW, at 1. Award was to be made to the offeror that submitted the proposal deemed to represent the best value to the government considering past performance/experience, project management plan,

and price.¹ RFP at 8-13. As it relates to the protest, the RFP included a requirement for the mandatory completion of the work by October 1, 2012. Id. at 31.

The agency received four proposals in response to the solicitation, including those from Castle-Rose and Kevcon. The agency evaluated Castle-Rose's proposal (with a proposed price of \$1,576,606.48) as "marginal" under the past performance/experience factor, "marginal" under the project management plan factor, and "marginal" overall with "high" overall risk. The agency evaluated Kevcon proposal (at \$1,747,000.00) as "exceeds" under the past performance/experience factor, "acceptable" under the project management plan factor, and "acceptable" overall with "acceptable" overall risk. Source Selection Report at 8-9. As compared to the other proposals, including the proposal submitted by Castle-Rose, the agency concluded that the technical superiority of the Kevcon proposal warranted payment of its higher price, and selected Kevcon's proposal for award. Id. at 10. This protest followed.²

DISCUSSION

Castle-Rose contends that the agency's evaluation of its proposal was improper and that its technical proposal should have been rated higher. In reviewing protests of alleged improper evaluations and source selection decisions, 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. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's obligation to submit an adequately written proposal for the agency to evaluate, United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19, and a protester's mere disagreement with the evaluation is not sufficient to render it unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7. We have reviewed each of the protester's contentions and find that none of the challenges provides a basis to sustain its protest. We address the following illustrative examples.

Castle-Rose challenges the reasonableness of the agency's finding that its proposed work schedule (evaluated under the project management plan factor) failed to meet the RFP's mandatory requirement for completion of the work by

¹ The non-price factors combined were to be significantly more important than price. RFP at 8.

² Castle-Rose received a debriefing on July 12, filed an agency-level protest on July 17, and received a decision from the agency denying its protest on July 25. The current protest was filed with our Office on August 6.

October 1, 2012. This allegation is without merit. The RFP specifically instructed that the “entire work” must be completed by October 1, 2012. RFP at 31. In this regard, the RFP set forth two base bid items, the first to be completed by July 28, 2012, and the second, which included the repair of a specified section of the steam loop infrastructure, to be completed by “October 1, 2012.” The RFP also included three “optional bid items” (the remaining three areas of the steam loop to be repaired), which were also to be completed by “October 1, 2012.” RFP at 31, ¶ 4.3, § 52.211-10. Accordingly, Castle-Rose’s proposal, which provided a project completion date of December 26, was reasonably found to have failed to meet the required October 1 completion date set forth in the solicitation.³ In addition, we conclude that the agency properly downgraded the protester’s proposal for failing to adequately demonstrate its proposed phases of performance. The record reflects that the protester’s proposal only generally identified the sequence in which the protester intended to perform in specific work locations and failed to provide information about its phasing of work processes, as required by the RFP. RFP at 12. The protester provides no basis to question the reasonableness of the agency’s evaluation in this regard.⁴

The protester also challenges its “marginal” rating under the past performance/experience factor. In this regard, offerors were to provide information about their recent “relevant” contracts (defined as contracts of the same or similar type, in terms of “size, nature and complexity” as compared to the RFP’s requirements). RFP at 10. The record reflects that Castle-Rose submitted information regarding three projects to demonstrate its relevant past performance and experience: (1) decommissioning and replacement of storage tanks; (2) spillway emergency generator upgrade; and (3) demolition and renovation/repair of a juvenile fish facility. Protester’s Technical Proposal at 2-4. The record also reflects that the agency considered these projects and gave Castle-Rose some credit where its proposal reflected past general excavation work experience. However, the agency generally found that the work was not sufficiently similar to the RFP’s requirements. In this regard, the agency noted that the work did not involve steam infrastructure repair work, and, as a consequence, assigned the protester a “marginal” rating under this factor overall.

³ The RFP required a maximum 120-day performance period from the receipt of the notice to proceed. RFP at 1. The October 1 completion date was based on an anticipated June 1 issuance of the notice to proceed. RFP at 32. The protester has not shown that its proposed work schedule of more than 7 months met the 120-day requirement.

⁴ To the extent the protester contends that Kevcon will not be able to perform within the required performance period, the allegation raises a matter of contract administration not for our review. 4 C.F.R. § 21.5(a) (2012).

As noted above, the RFP sought a contractor to design and re-build a section of steam loop for the VA's Walla Walla medical center. RFP, Attach. 2, SOW, at 1. In this regard, the project was titled "Design-Build Construction Services, Repair Steam Infrastructure," RFP at 1. Since Castle-Rose's projects did not reflect any steam work experience, we have no basis to question the reasonableness of the agency's concerns regarding the relevance of the projects, or to question Castle-Rose's overall "marginal" rating under this factor.⁵ Although Castle-Rose expresses disagreement with the agency's evaluation, such disagreement does not provide a basis for our Office to find the agency's evaluation unreasonable, or otherwise improper. Ben-Mar Enters., Inc., supra.

The protest is denied.

Lynn H. Gibson
General Counsel

⁵ To the extent the protester contends that its proposal should have been credited with a strength based on its previous general excavation and construction work (although not steam-related) simply because it was performed at VA facilities, it is mistaken. While the RFP "strongly encouraged" offerors to submit information about recent VA projects, this did not negate the requirement for the submission of projects that were "similar in scope and magnitude." RFP at 10. As explained above, the projects identified in Castle-Rose's proposal, which did not include any steam-related work, were not generally considered to be similar in nature to the RFP's requirements.