

Decision

Matter of: LC Engineers, Inc.

File: B-407754

Date: January 31, 2013

Suresh Kapoor for the protester.

Andre Long, Esq., Department of the Navy, for the agency.

Linda C. Glass, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging an agency's evaluation of the protester's proposal and award determination is denied where the record demonstrates that the evaluation and selection decision were reasonable and consistent with the solicitation's evaluation criteria.

DECISION

LC Engineers, Inc. of Rahway, New Jersey, protest the award of a contract to General Dynamics Information Technology, Inc. (GDIT), of Fairfax, Virginia, under request for proposals (RFP) No. N68936-12-R-0063, issued by the Department of the Navy, Naval Air Warfare Center Weapons Division, for avionics test set cable assemblies and other cable assemblies. The protester challenges the Navy's evaluation of its technical proposal and selection decision.

We deny the protest.

BACKGROUND

The RFP provided for the award of a fixed-price contract for avionic test set cable assemblies and other cable assemblies.¹ RFP at 69. A statement of work (SOW) was provided that identified applicable drawings and performance requirements.

¹ The cables assemblies are used to test avionics systems and peripheral interface adaptors. RFP at 66.

Offerors were informed that the cable assemblies must satisfy specified drawing dimensions, tolerances, specifications and performance requirements. RFP at 69. The RFP also advised offerors that the government would perform a First Article Acceptance Test (FAAT) on the first set of each of the offeror's cable assemblies. Id. The RFP stated that, if the awardee had previously passed a FAAT for a particular cable assembly, the requirement for FAAT for that assembly would be removed from the contract after award. Id. at 71. The RFP identified required delivery dates for the various cable assemblies. Id. at 82-84.

The RFP provided for award on a best value basis, considering the following factors: technical, past performance, and price. RFP at 130. The technical factor included the following equally weighted subfactors: technical approach, management approach, and schedule. Id. Offerors were informed that technical and past performance factors combined were significantly more important than price.

With respect to the technical approach subfactor, offerors were instructed to demonstrate a thorough understanding of the SOW and applicable drawings and to describe their methodology, techniques and process for manufacturing the cable assemblies. RFP at 121. Offerors were informed that the agency would evaluate the extent to which the offeror's proposal demonstrated the firm's understanding of, approach to, and ability to meet the RFP requirements. Id. at 131.

With respect to the management approach subfactor, offerors were instructed to describe their management approach for performing the SOW's technical and administrative requirements. Id. at 121. In this regard, offerors were required to identify potential performance risks and provide a method or plan to mitigate any risks. Id. Offerors were informed that the agency would evaluate the offeror's management approach to determine the effectiveness of the approach and viability of the delivery schedule. Id. at 132.

With respect to the schedule subfactor, offerors were instructed to provide a detailed delivery schedule, including describing each required task and start and finish dates for each task. Id. at 121. The RFP provided that the agency would evaluate the realism of offerors' proposed delivery schedule to determine whether the offeror understood the necessary phases and tasks required to accomplish the SOW requirements. Id. at 132.

The agency received three proposals, including LC's and GDIT's, which were evaluated by the agency's source selection evaluation board (SSEB). LC's and GDIT's proposals were included in the competitive range. Agency Report (AR) Tab G, Competitive Range Determination. The Navy conducted two rounds of

discussions with LC and GDIT and obtained final revised proposals, which were evaluated as follows:²

		GDIT	LC
Technical		Outstanding Low Risk	Unacceptable High Risk
	Technical Approach	Good Low Risk	Unacceptable High Risk
	Management Approach	Outstanding Low Risk	Marginal High Risk
	Schedule	Outstanding Low Risk	Unacceptable High Risk
Past Performance		Relevant Substantial Confidence	Somewhat Relevant Limited Confidence
Evaluated Price		\$2,198,168	\$2,021,987

AR, Tab R, SSEB Final Evaluation Report, at 4.

LC's unacceptable technical rating reflected the SSEB's judgment that the protester's final revised proposal contained two deficiencies and a number of weaknesses. Specifically, the SSEB found that LC failed to demonstrate an understanding of, and adequate approach to performing, the requirements. Despite being specifically informed during discussions that its description of its process to perform the contract was missing details and contained errors, LC's final revised proposal contained errors and missing performance steps, including that its firm did not provide for testing of its cable assemblies before delivery. *Id.* at 16. Among the weaknesses the SSEB identified under the technical approach subfactor was that LC did not appear to have sufficient personnel to perform the contract and that it had proposed insufficient hours to mold blocks that were required for the cable assemblies within the specified time. *See id.* at 17-18. With respect to the schedule subfactor, the SSEB found that the schedule provided in the firm's final revised proposal did not show all the phases involved in what LC proposed to do, which the SSEB found demonstrated a lack of understanding. *Id.* at 22.

The SEB recommended that award be made to GDIT. *Id.* at 33. The source selection authority (SSA) reviewed the SSEB's evaluation report, which she found

² Proposals were evaluated under the technical factor and subfactors as outstanding, good, acceptable, marginal, or unacceptable, and assigned a risk rating of low, moderate or high. RFP at 134-35. Offerors' past performance received a confidence assessment rating of substantial, satisfactory, limited, no confidence or unknown confidence. RFP at 135.

to be well documented and sound. The SSA agreed that LC's proposal was unacceptable and that GDIT's proposal provided a sound overall technical approach and demonstrated the firm's knowledge, experience and capabilities to successfully perform the contract. AR, Tab U, Source Selection Decision, at 4.

Award was made to GDIT, and this protest followed a debriefing.

DISCUSSION

The protester objects to the agency's evaluation of its proposal, arguing that its final revised proposal provided the agency with sufficient data and detail to demonstrate that it was technically capable of performing the contract.³

In reviewing protests of alleged improper evaluations and source selection decisions, it is not our role to reevaluate submissions; 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. Panacea Consulting, Inc., B-299307.4, B-299308.4, July 27, 2007, 2007 CPD ¶ 141 at 3. A protester's mere disagreement with an agency's judgment is not sufficient to establish that an agency acted unreasonably. Entz Aerodyne, Inc., B-293531, Mar. 9, 2004, 2004 CPD ¶ 70 at 3.

Here, the record shows that the agency reasonably evaluated LC's proposal as unacceptable under the technical approach subfactor. Although the protester insists that it has the technical capability to perform the requirement, LC failed to demonstrate an acceptable technical approach in its proposal. For example, LC argues that the SSEB was not aware of the latest technology available for rubber moldings, which LC contends allows for quicker manufacturing. Protest at 1. However, this newer process was not identified or explained in LC's proposal.

Similarly, with respect to the SSEB's judgment that LC's description of its production process contained errors and was missing performance steps, LC does not contend that it fully described all the required steps for manufacturing the cable assemblies. Rather, LC contends that its description was intended merely as an illustration of an intended approach, which was to provide the agency with "a general idea" of their approach. Protest at 2. Offerors were required to demonstrate the viability and effectiveness of their techniques. RFP at 121, 131. LC failed to do so in its

³ LC also complains that the agency failed to suspend performance of the contract pending our resolution of the protest. The stay provisions of the Competition in Contracting Act of 1984, as amended, were not triggered, however, by LC's protest, which was neither filed within 10 calendar days of award nor within 5 calendar days of a requested and required debriefing. See 31 U.S.C. § 3553(d)(3) (2006).

proposal. It is an offeror's responsibility to submit an adequately written proposal that demonstrates the merits of its approach; an offeror runs the risk of having its proposal downgraded or rejected if the proposal is inadequately written. Trofholz Tech., Inc., B-404101, Jan. 5, 2011, 2011 CPD ¶ 144 at 4-5.

With respect to the deficiency identified under the schedule subfactor, LC argues that the flaws identified by the agency would be easily correctable during contract performance. Comments at 2. However, as explained above, the RFP required offerors to provide a detailed schedule to demonstrate that the offeror understood the necessary phases and tasks required to accomplish the SOW. The evaluators determined that missing or inaccurate steps in LC's schedule were indicative of an inadequate technical approach. AR, Tab R, SSEB Final Evaluation Report, at 17. The protester's arguments do not demonstrate that the SSEB unreasonably found LC's proposed schedule to be unacceptable.

In short, the record shows that, despite several opportunities to explain its proposed approach and schedule, LC failed to provide an adequately written proposal that demonstrated an acceptable technical approach and schedule.⁴

The protest is denied.

Susan A. Poling
General Counsel

⁴ LC also objects to the agency's evaluation of its past performance. Because LC's proposal was found technically unacceptable for reasons unrelated to the evaluation of its past performance, we do not address these arguments.