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Decision

Matter of: International Composites Technologies, Inc.

File: B-408199

Date: July 15, 2013

Scott M. Heimberg, Esq., Thomas P. McLish, Esq., and Troy D. Cahill, Esq., Akin Gump Strauss Hauer & Feld LLP, for the protester.

Maj. Frank Yoon, Department of the Air Force, for the agency.

Scott H. Riback, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging contracting agency's evaluation of protester's proposal and its exclusion from the competitive range is denied where the record shows that the evaluation of the proposal as technically unacceptable was reasonable and consistent with the terms of the solicitation.

DECISION

International Composites Technologies, Inc. (ICT), of Compton, California, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. FA8504-12-R-30298, issued by the Department of the Air Force for ballistic armor systems to be installed on various configurations of the C-130 aircraft. ICT argues that the agency improperly found its proposal technically unacceptable.

We deny the protest.

BACKGROUND

The solicitation, issued as a small business set-aside, contemplates the award of a fixed-price contract to the offeror submitting the low priced, technically acceptable

proposal.¹ RFP at 53-54. The basic contract is for engineering services and fabrication of a limited quantity of trial armor systems (along with associated test reports and supporting data), while the options are for production of a specified quantity of armor systems. RFP § B. The armor systems being acquired are to be comprised of two elements referred to as kit A and kit B. Kit A is to be an attachment system permanently installed into the aircraft. Kit B is to be a set of armor plates that are attached to the aircraft using the kit A attachment system. The overall requirement is for an armor plating system that can be installed and removed from the aircraft on a comparatively rapid basis; the RFP contemplates that the agency will purchase more kit A systems than kit B systems so that the armor plates may be used on more than one aircraft. See generally, RFP Statement of Work.

The agency received a number of proposals in response to the solicitation, including that of ICT. The agency concluded that none of the proposals was technically acceptable. ICT's proposal was found technically unacceptable because (1) it did not adequately explain the protester's manufacturing and assembly process, and did not include adequate information relating to facility, equipment and plant layout; (2) did not include adequate information to show that its proposed system met all of the RFP's ballistic performance requirements; and (3) did not show how its system interfaced with the aircraft in terms of providing unimpeded access to the flight deck panels or doors, the nose wheel/landing gear and egress doors. AR, exh. 12, Interim Technical Evaluation Report, at 68-71.

Because none of the offerors submitted technically acceptable proposals, the agency engaged in an initial round of discussions with all competing firms. ICT was given discussion questions relating to all of the deficiencies identified in its initial proposal, and the firm provided responses to these questions. The agency evaluated ICT's responses and concluded that its proposal was still technically unacceptable. On the basis of that finding, the agency eliminated the protester's proposal from the competitive range. ICT filed an agency-level protest with the Air Force challenging its actions. The agency denied the protest, and ICT filed the current protest in our Office.

PROTEST

ICT argues that the agency unreasonably found its proposal technically unacceptable. According to ICT, all of the information necessary to determine the compliance of its proposed armor system with the solicitation's requirements was included in its proposal and, as a result, the agency unreasonably rejected its offer.

¹ The RFP provided that proposals would be found either technically acceptable or unacceptable considering three subfactors: production plan; integrated master schedule; and requirement objectives. RFP at 54-55.

In reviewing protests challenging an agency's evaluation of proposals, our Office does not independently evaluate proposals; rather, we review the agency's evaluation to ensure that it is consistent with the terms of the solicitation and applicable statutes and regulations. SOS Int'l, Ltd., B-402558.3, B-402558.9, June 3, 2010, 2010 CPD ¶ 131 at 2. We also point out that it is an offeror's responsibility to submit an adequately written proposal that establishes the technical acceptability of its proposed approach, and allows for a meaningful review by the agency. Verizon Fed., Inc., B-293527, Mar. 26, 2004, 2004 CPD ¶ 186 at 4. Our review of the record shows that the agency's evaluation was reasonable.

The RFP's statement of work (SOW) required the proposed armor system to meet certain specifications. As relevant here, the SOW required the armor plates to meet certain ballistic performance capabilities; required the plates to have an areal density of less than or equal to 8 pounds per square foot; and required that the total system weight could not exceed 1,630 pounds. RFP, SOW ¶ 4.6.

At the heart of ICT's protest is the firm's ultimate decision to propose alternate solutions to the agency's requirements. In this connection, the record shows that ICT originally proposed to provide [deleted] plates fabricated from a material referred to as [deleted] AR, exh. 8, ICT Technical Proposal, at 14-15. The record shows that, among other considerations, the agency determined that the initial ICT proposal was technically unacceptable because it did not demonstrate that the [deleted] plates met the solicitation's ballistic performance standards. AR, exh. 12, Interim Technical Evaluation Report, at 70. Because of the agency's evaluation conclusion, ICT was sent a discussion question asking for additional information relating to the ballistic capabilities of its [deleted] armor plates. AR, exh. 10, ICT Discussion Questions, at 2.

In its response to the discussion question, ICT offered--for the first time--two different, alternate solutions to meet the agency's requirements. First, ICT proposed to fabricate in-house [deleted] plates using [deleted]. AR, exh. 11, ICT Discussion Responses, at II-2. The record shows that ICT provided ballistic performance data for three different possible configurations of [deleted] plates that it proposed to manufacture in-house. Id. at II-3-4. Second, ICT offered to provide [deleted] plates manufactured by one of its subcontractors, [deleted]. Id. at II-2. ICT also included ballistic performance information about the [deleted] manufactured plates. Id. at II-5. The record shows that the agency evaluated ICT's proposal revisions.

With respect to the [deleted] plates that ICT proposed to manufacture itself, the record shows that they were determined technically unacceptable. AR, exh. 12,

Interim Technical Evaluation Report, at 74-75.² The record also shows that the agency further considered ICT's initially proposed [deleted] solution but concluded that ICT still had not demonstrated that it met the solicitation's ballistic performance requirements. Id. at 75. ICT does not take issue with the agency's conclusions relating to the technical unacceptability of the [deleted] plates it proposed to manufacture itself, or with respect to the technical unacceptability of the [deleted] plates it proposed.

With respect to the [deleted] plates that ICT proposed to be manufactured by its subcontractor, [deleted], the record shows that the evaluators determined that this solution met all of the ballistic performance requirements of the specifications. AR, exh. 12, Interim Technical Evaluation Report, at 75. However, the evaluators nonetheless found this proposed solution technically unacceptable because the [deleted] plates had a higher areal density than the areal density of the ICT-manufactured plates ([deleted] pounds per square foot as opposed to the [deleted] pounds per square foot range specified for the ICT [deleted] plates originally proposed³). They were also thicker than the ICT-manufactured plates (the [deleted] plates have an average thickness of [deleted] millimeters, while the ICT-manufactured plates have a thickness of [deleted] millimeters⁴).

The evaluators were specifically concerned that, because of the increased weight and thickness of the [deleted] plates, the total system weight could exceed the solicitation's requirement of 1,630 pounds. They were also concerned that the

² Again, ICT included ballistic performance data for three different configurations of ICT-manufactured [deleted] plates. One of the three ICT [deleted] plate solutions was found technically unacceptable because the ballistic performance test data showed that the backface deformation exceeded what was allowable under the specifications; the second ICT-manufactured [deleted] plate was found to exceed the specification's requirement to have an areal density of 8 pounds per square foot or less; and the third ICT-manufactured [deleted] plate was found to be acceptable in terms of its ballistic performance, but the agency did not consider this solution because ICT did not mention it as one of the alternatives it was actually proposing. AR, exh. 12, Interim Technical Evaluation Report, at 74-75.

³ In its original proposal, ICT specified a weight range for its [deleted] plates of between [deleted] and [deleted] pounds per square foot. AR, exh. 8, ICT Technical Proposal, at II-14. ICT calculated a total system weight of [deleted] pounds based on these parameters. Id.

⁴ The average thickness of the [deleted] plates is expressed in inches. We have converted that measurement to millimeters to show a more direct comparison. The average thickness of the [deleted] plates is [deleted] inches ([deleted]). AR, exh. 11, ICT Discussion Responses, at II-5.

[deleted] plates might not function properly with ICT's proposed kit A attachment system. The evaluators concluded as follows:

Since the original system weight estimates were based off of [deleted] solutions with areal densities lower than [deleted], ICT did not adequately provide an explanation of how the increased areal density of the [deleted] solution affects the total system weight. This also includes the impact of increased weight and panel thickness on the Group A attachment system.

AR, exh. 11, Interim Technical Evaluation Report, at 75.

ICT argues that, although its proposal did not include a total system weight calculation, the agency could have determined that the increased areal density of the [deleted] plates would not have resulted in its total system weight exceeding 1,630 pounds. ICT also asserts that there was no basis for the agency to conclude that its kit A attachment system would not function with the [deleted] plates.

As noted above, offerors have an affirmative responsibility to submit an adequately written proposal, and a firm that does not provide sufficient information to demonstrate that its offered product or service meets the agency's requirements runs the risk that its proposal will be rejected as unacceptable. Verizon Fed., Inc., supra. The record shows that ICT's proposal fell short in this regard.

First, the record shows that ICT failed to include any information showing that the total system weight using the [deleted] armor plates was compliant with the requirements of the RFP. Even if, as suggested by ICT, the agency could have performed a calculation relating to the total weight of the [deleted] plates themselves, there was no basis for the agency to necessarily conclude that the weight of ICT's kit A attachment system would not change in order to accommodate the heavier [deleted] plates.

Second, as noted above, the [deleted] plates are approximately [deleted] percent⁵ thicker than the originally-proposed [deleted] plates, and there was no basis for the evaluators to determine whether ICT's attachment system would function with the thicker plates. In fact, ICT's discussion response to the agency in connection with its proposal of the [deleted] plates creates doubt regarding the functionality of the kit A attachment system when used with the [deleted] plates. ICT's response states: "[O]ur understanding at this time is that this solution [use of the [deleted] plates] is compatible with ICT's A and B kit proposed design solution. AR, exh. 11, ICT Discussion Responses, at II-5.

⁵ [deleted] millimeter plates are approximately [deleted] percent thicker than [deleted] millimeter plates.

In the final analysis, the record shows that there was significant information absent from the ICT proposal, as revised during discussions, and that this lack of information led the evaluators reasonably to conclude that the alternate solution offered by ICT using the [deleted] plates was not technically acceptable.⁶

The protest is denied.

Susan A. Poling
General Counsel

⁶ ICT asserts that the agency should have engaged in discussions with it in order to clarify the agency's concerns with the ICT proposal of the alternate solution using the [deleted] plates. However, agencies are under no obligation to initiate additional rounds of discussions to address a deficiency first introduced by an offeror in its revised proposal. PAE Gov't Servs., Inc., B-407886 et al., Mar. 22, 2013, 2013 CPD ¶ 92 at 6.