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**Comptroller General
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**United States Government Accountability Office
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Decision

Matter of: Trimble Navigation, Ltd.

File: B-408278

Date: August 8, 2013

J. Randolph MacPherson, Esq., and Rebecca Bailey Jacobsen, Esq., Halloran & Sage, LLP, for the protester.
William A. Shook, Esq., for Technology Advancement Group LLC, an intervenor.
Timothy L. Felker, Jr., Esq., Department of the Army, for the agency.
Christina Sklarew, 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 protester's proposal and exclusion of that proposal from the competitive range is denied where the agency's evaluation and competitive range determination were reasonable.

DECISION

Trimble Navigation, Ltd., of Dayton, Ohio, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. W5J9CQ-13-R-0003, issued by the Department of the Army, Corps of Engineers, Geospatial Center, for a precise positioning service/global positioning system (GPS) survey system. Trimble challenges the agency's evaluation of its proposal and competitive range determination.

We deny the protest.

BACKGROUND

The RFP provided for the award of an indefinite-delivery/indefinite-quantity contract under which fixed-price task orders would be issued. Offerors were informed that award would be made on a best-value basis, considering the following evaluation factors, listed in descending order of importance: technical, program management, past performance, small business participation, and price. The technical factor included two subfactors: technical capability and technical risk. The technical

factor was more important than all of the remaining non-price factors combined, and all of the non-price factors, together, were significantly more important than price.

Detailed instructions were provided for the preparation of proposals under each factor. Offerors were instructed to submit their proposal in separate volumes corresponding to the evaluation factors, and to include information responding to a particular factor in the appropriate volume. RFP § L.3. Offerors were cautioned that the agency would only consider information for a particular factor that was contained in the appropriate proposal volume. Id. § L.3.5.1. The RFP also stated that offerors were responsible for providing sufficient details, in a concise manner, to permit a complete and accurate evaluation, and that statements paraphrasing the solicitation requirements or proclaiming the offeror's understanding would be considered unacceptable. Id. § L3.5.2.

Detailed information was also provided to describe how proposals would be evaluated under each factor. As a threshold matter, offerors were advised that to be considered for award, proposals must achieve a rating of acceptable or better for the technical capability subfactor and program management and small business participation factors, and a rating of satisfactory or unknown confidence for the past performance factor.¹ Id. § M.1. Offerors were also advised that their proposals must receive a low or moderate rating under the technical risk subfactor to be considered for award. Id. § M.2.1.

The Army received proposals from Trimble and Technology Advancement Group (TAG), which were evaluated by the agency's source selection evaluation board (SSEB). TAG's proposal was evaluated as acceptable overall. Trimble's proposal received the following technical ratings:

Technical	Unacceptable
Technical Capability	Unacceptable
Technical Risk	High
Program Management	Unacceptable
Past Performance	Relevant/Substantial Confidence
Small Business Participation	Unacceptable
Overall	Unacceptable

¹ Proposals were rated under the technical capability subfactor and the program management and small business participation factors as outstanding, good, acceptable, marginal, or unacceptable. An acceptable rating reflected a proposal that met requirements and indicated an adequate approach and understanding of the requirements, and included no strengths or deficiencies. Agency Report (AR), Tab 9, Source Selection Plan, at 16-17.

AR, Tab 11, Evaluation Report, at 15.

The SSEB's adjectival ratings were supported by narrative discussion, describing the basis for the rating. Trimble's proposal was evaluated as having numerous deficiencies, significant weaknesses, and weaknesses. Id. at 15-25. The Army found that Trimble failed to provide a majority of the information required by the RFP, or, when information was provided, failed to include sufficient detail to permit the proposal to be evaluated in a manner consistent with the RFP. AR, Tab 12, Pre-negotiation Objective Memorandum, at 19. The SSEB concluded that Trimble's numerous deficiencies and weaknesses would require a major revision of the firm's proposal. AR, Tab 11, Evaluation Report, at 26.

Trimble's proposal was excluded from the competitive range, and this protest followed a debriefing.

DISCUSSION

Trimble challenges each of its evaluated deficiencies and significant weaknesses, arguing that the agency overlooked information in its proposal.

The evaluation of technical proposals is a matter within the agency's discretion, since the agency is responsible for defining its needs and for identifying the best methods for accommodating those needs. U.S. Textiles, Inc., B-289685.3, Dec. 19, 2002, 2002 CPD ¶ 218 at 2. In this regard, our Office will not reevaluate technical proposals; rather, we will review a challenge to an agency's evaluation to determine whether the agency acted reasonably and in accord with the solicitation's evaluation criteria and applicable procurement statutes and regulations. Ahtna Facility Servs., Inc., B-404913, B-404913.2, June 30, 2011, 2011 CPD ¶ 134 at 7. A protester's disagreement with the agency's judgments is not enough to render the evaluation unreasonable. SDS Int'l, Inc., B-291183.4, B-291183.5, Apr. 28, 2003, 2003 CPD ¶ 127 at 6.

Here, the record establishes the reasonableness of the agency's determination that Trimble failed to provide required information to establish the acceptability of its proposal. For example, under the (most important) technical factor, the Army found that Trimble's proposal had 10 deficiencies (five under each subfactor), and numerous significant weaknesses. See AR, Tab 11, Evaluation Report, at 15-20. The first deficiency assessed under the technical capability subfactor concerns Trimble's failure to discuss the firm's solution for satisfying the solicitation's technical requirements. See id. at 17, citing RFP § L.3.5.5. The SSEB found that Trimble's proposal had a very limited discussion of how the firm would specifically implement its proposed system, and provided no architectural diagram or similar overall representations of its system. In this regard, the SSEB noted that Trimble identified only a few of its system's components. The SSEB concluded that Trimble

failed to provide sufficient information for the evaluators to understand Trimble's proposed solution. Id.

Trimble disagrees, insisting that it provided sufficient information to allow the Army to evaluate its proposed solution. This disagreement, however, does not show that the agency's evaluation was unreasonable. With respect to its failure to identify all of its system components, Trimble does not contend that it identified all of its system components, but instead focuses on describing those items it did identify in its proposal.² Similarly, with respect to its failure to provide a diagram or similar depiction of its proposed system, the protester does not contend that it provided this information in its proposal, only that Trimble could provide this information if it were allowed to "refine" its proposal. Protester's Comments at 27.

The SSEB noted as another deficiency that Trimble had not identified and described all field-replaceable components of the proposed GPS survey system. See RFP § L3.5.5.2. The SSEB found that Trimble's proposal listed only some of the many required components, naming a number of components that were missing and stating that additional items might be needed, such as special tools, depending on the specific implementation of the rest of the system. The evaluators concluded that Trimble had not provided enough information (identifying and describing its field-replaceable components) to allow the evaluators to understand what Trimble's complete system would include. AR, Tab 11, Evaluation Report, at 18.

Again, Trimble disagrees with the agency's judgment, but does not address the agency's determination that Trimble did not identify and describe all of its field-replaceable components, as required by the RFP. In this regard, Trimble's proposal identifies a number of components with very generic descriptions, such as "Range Pole" or "Tripod." See AR, Tab 7, Trimble's Proposal, Vol. III, at 23-24. Although Trimble estimates that it would take Trimble approximately 90 minutes to refine its proposal "to identify the omitted items," see Protester's Comments at 27, this does not show that the agency acted unreasonably in assessing a deficiency for Trimble's failure to provide the required information.

² For example, the SSEB noted that one of the system components that Trimble identified in its proposal was its Zephyr antenna, but noted that Trimble had not identified a specific model. See AR, Tab 11, Evaluation Report, at 17. Trimble argues in its comments that it did not need to identify a specific model for this antenna because Zephyr makes only one model. Protester's Comments at 27. This was not explained, however, in Trimble's proposal. In any event, Trimble's explanation for selected components does not address the SSEB's concern that Trimble had not provided a complete description of its system to allow for an evaluation under the technical capability subfactor.

Trimble also argues that, to the extent its proposal contained deficiencies and weaknesses, Trimble's proposal should have been included in the competitive range to allow Trimble to correct them. In this regard, Trimble contends that it would take only 23 hours (or approximately 3 work days) to address all of the agency's evaluated deficiencies and weaknesses. See id. at 23.

Contracting agencies are not required, however, to retain a proposal in the competitive range where the proposal is not among the most highly rated or where the agency otherwise reasonably concludes that the proposal has no realistic prospect of award. Federal Acquisition Regulation (FAR) § 15.306(c)(1); Wahkontah Servs., Inc., B-292768, Nov. 18, 2003, 2003 CPD ¶ 214 at 5. A technically unacceptable proposal cannot be considered for award, and thus properly may be excluded from the competitive range. See TMC Design Corp., B-296194.3, Aug. 10, 2005, 2005 CPD ¶ 158 at 4. Moreover, an offeror that does not submit an adequately written proposal runs the risk of having its proposal rejected as unacceptable. L-3 Communications EOTech, Inc., B-311453, B-311453.2, July 14, 2008, 2008 CPD ¶ 139 at 4 (technically unacceptable proposal reasonably excluded from the competitive range).

The examples discussed above represent only two of the five deficiencies identified under one evaluation subfactor, and only a small fraction of the weaknesses and deficiencies identified in Trimble's entire proposal. Although Trimble challenges each evaluated deficiency and weakness, we find that the record supports the agency's judgment that Trimble's proposal contained numerous deficiencies and significant weaknesses, the correction of which would require a major revision of Trimble's proposal.

We also find no merit to Trimble's contentions that the agency should have otherwise included Trimble's proposal in the competitive range because Trimble's past performance established that Trimble understood the agency's requirements and because exclusion of Trimble's proposal resulted in a competitive range of one. Trimble's performance of a prior similar contract does not supplant the requirement that Trimble establish the acceptability of its proposed system in its technical proposal.³ It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information, which clearly demonstrates compliance with the solicitation requirements and allows for a meaningful review by the procuring agency. CACI Techs., Inc., B-296946, Oct. 27, 2005, 2005 CPD ¶ 198 at 5; see International Roofing & Bldg. Constr., Inc., B-292833, Nov. 17, 2003, 2003 CPD ¶ 212 at 3 (firm's expertise in the industry is not a substitute for providing the required information in an offeror's proposal). We have also found that there is

³ The protester and agency do not agree as to how similar Trimble's past performance is to the work here. We need not resolve this disagreement.

nothing inherently improper in a competitive range of one. The Dixon Group, Inc., B-406201, B-406201.2, Mar. 9, 2012, 2012 CPD ¶ 150 at 6; TMC Design Corp., B-296194.3, supra, at 4.

The protest is denied.

Susan A. Polling
General Counsel