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Comptroller General
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United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Korea Resources Environment Company, Ltd.

File: B-409996

Date: October 3, 2014

Sunbong Choi for the protester.

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DIGEST

Evaluation of protester's proposal is unobjectionable where record shows that the agency's evaluation was reasonable and consistent with solicitation's evaluation criteria as well as applicable statutes and regulations.

DECISION

Korea Resources Environment Company, Ltd. (Korea Resources) of Suwon, Gyeonggi-Do, South Korea, protests the award of a contract to Pyungtaek Environment Company, Ltd. (Pyungtaek) of Pyeongtaek City, Gyeonggi-Do, South Korea, under request for proposals (RFP) No. W91QVN-14-R-0104 issued by the Department of the Army, 411th Contracting Support Brigade, for solid waste management services at Osan Air Base in Pyeongtaek, South Korea. Korea Resources argues that the agency unreasonably rejected its proposal as unacceptable.

We deny the protest.

Issued on April 10, 2014, and amended several times, the solicitation contemplated the award of a fixed-price contract to provide solid waste collection and other integrated waste management services for a base period of performance, plus four 1-year options. Award was to be made using a lowest-price technically acceptable selection process. RFP at 74. For the purpose of determining technical acceptability, the RFP established three evaluation factors: (1) technical; (2) management; and (3) past performance. Id. at 76-78. As it relates to the protest, the technical factor was comprised of two subfactors, prior experience and business registration. The management factor was also comprised of two

subfactors, key personnel qualification requirements and staffing plan. Id. at 76-77. According to the RFP, proposals rated as unacceptable under any evaluation factor or subfactor resulted in an overall unacceptable rating, rendering the proposal ineligible for award.¹ Id. at 76. The RFP also advised that the agency anticipated making award based on initial proposals, without engaging in discussions. Id. at 72.

As it relates to the protest, under the prior experience subfactor, the RFP instructed offerors to provide “evidence of a minimum three (3) years of experience within the last five (5) years in providing solid waste management services.” Id. at 76. For the purpose of establishing relevant prior experience, offerors were to provide--title of the contract/project; description of the work completed; length of contract/project (year/month/date – year/month/date); value of contract/project; and name and telephone number for point of contact. Id. at 74. Under the key personnel qualification requirements subfactor, the RFP required each offeror to submit a resume for its proposed contract manager demonstrating “relevant prior experience of at least two (2) years as a [contract manager] within the last five (5) years.” Id. at 77. Under the staffing plan subfactor, offerors were required to submit a written staffing plan with “manning charts showing a proposed organizational structure” that could meet the workload requirements set forth in the performance work statement. Id.

The agency received five proposals by the May 9 closing date, including those from Korea Resources and Pyungtaek. Of the proposals received, only two were evaluated as technically acceptable--those from Pyungtaek and another offeror. Korea Resources’ proposal, with an evaluated total price of Korea Won (KW) 3,476,500,000, received an overall rating of unacceptable based on unacceptable ratings under the technical and management subfactors. Specifically, under the prior experience subfactor, the agency concluded that the protester failed to demonstrate corporate experience totaling three years within the past five years. As to the key personnel qualification requirements subfactor, the agency found that the resume submitted by Korea Resources for its proposed contract manager did not evidence a minimum of two years experience within the last five years. In addition, the agency rated the protester’s proposal as unacceptable under the staffing plan subfactor, because the protester did not include a manning chart and the submitted manpower utilization information was insufficient to determine the protester’s ability to perform the solicited services.² The protester’s proposal

¹ Under the technical and management factors, the solicitation defined an acceptable rating as “proposal clearly meets the minimum requirements of the solicitation.” An unacceptable rating was defined as “proposal does not clearly meet the minimum requirements of the solicitation.” RFP at 76.

² The other proposals evaluated as technically unacceptable are not at issue in this protest and will not be discussed further.

therefore was not considered further. Agency Dismissal Request exh. 3, Notice to Unsuccessful Offeror (June 25, 2014).

Based on the evaluation results, the contracting officer selected the proposal of Pyungtaek for award because its total evaluated price of KW 4,012,304,562 was the lowest among the technically acceptable proposals. Contracting Officer Statement (July 11, 2014). Upon receiving notice of the award, Korea Resources filed this protest.

Korea Resources argues that the agency's evaluation of its proposal as unacceptable under the prior experience subfactor was unreasonable. According to the protester, its proposal included the company's business registration which shows that the protester has provided solid waste management services since 2003. The protester also argues that it provided the company's "prior experience for the period of three years, that is 2012, 2013, 2014, which we found later summed into two years." Protest at 3.

In considering protests challenging an agency's evaluation of proposals, our Office will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the stated evaluation factors and applicable procurement laws and regulations. A protester's mere disagreement with the agency's judgment is not sufficient to establish that an agency acted unreasonably. Herman Constr. Group, Inc., B-408018.2, B-408018.3, May 31, 2013, 2013 CPD ¶ 139 at 3; Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6.

The agency's evaluation here was reasonable. As noted above, the solicitation required offerors to furnish evidence of a minimum of three years prior corporate experience within the last five years and specifically delineated the information offerors were to provide to establish their experience. Notwithstanding this explicit direction, the information provided by Korea Resources showed prior experience beginning as of July 1, 2012 and totaling approximately only 22 months of prior experience. See Protest exh. 6, Korea Resources' Proposal at 22. While the protester may well have more than three years of experience in providing solid waste management services, as generally reflected by its business registration information, the protester failed to specifically establish relevant experience in the manner directed by the solicitation. It is an offeror's responsibility to submit a well written proposal, with adequately detailed information, which clearly demonstrates compliance with the solicitation and allows a meaningful review by the contracting agency. T-C Transcription, Inc., B-401470.2, Feb. 16, 2010, 2010 CPD ¶ 50 at 4; CACI Technologies, Inc., B-296946, Oct. 27, 2005, 2005 CPD ¶ 198 at 5.

To the extent the protester asserts that the agency should have contacted the protester to "see if we could provide additional prior experience," see Protest at 4, the argument is without merit. The solicitation expressly warned offerors that the

agency contemplated making award on the basis of initial proposals, without discussions, therefore the agency was not required to contact the protester to obtain additional information regarding its prior corporate experience. Rather, it was incumbent on the protester to affirmatively demonstrate the merits of its proposal and it risked rejection by failing to do so. HDL Research Lab, Inc., B-294959, Dec. 21, 2004, 2005 CPD ¶ 8 at 5.

Next, Korea Resources argues that the agency misevaluated its proposal under the key personnel qualification requirements subfactor. Again, the record fails to support Korea Resources' allegations. The resume for Korea Resources' proposed contract manager shows prior experience beginning as of July 1, 2012 and proposals were submitted in May of 2014, clearly less than the two years of prior experience required by the solicitation. See Protest Appendix B, Resume of Contract Manager for Korea Resources.

Finally, Korea Resources contends that its proposed staffing plan adequately addressed the solicitation requirements and should have received an acceptable rating. Our review of the record, however, provides no basis to question the agency's evaluation. Conceding that its staffing plan did not include manning charts required by the solicitation, the protester asserts that its proposal included cost details which showed "how and where we will assign our people to perform the job" as well as a list of vehicles and equipment "from which [the agency] can see we have sufficient and competent staff." Protest at 4. Korea Resources' arguments are without merit. Where the solicitation expressly required offerors to provide detailed staffing information, specifically "manning charts," and the protester failed to provide the information as instructed, the agency was not required to search through other parts of the proposal in order to deduce the missing information; rather, the burden was on Korea Resources to follow the solicitation instructions and submit a clear and logically written proposal. See American Systems Corp., B-409632, June 23, 2014, 2014 CPD ¶ 188 at 4-5.

The protest is denied.

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General Counsel