



**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: GeoSystems Analysis, Inc.

File: B-413016

Date: July 25, 2016

Michael Milczarek, GeoSystems Analysis, Inc., for the protester.
Craig T. Donovan, Esq., Department of the Interior, for the agency.
Matthew T. Crosby, Esq., Glenn G. Wolcott, Esq., and Christina Sklarew, Esq.,
Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging agency's evaluation of the protester's technical proposal is denied where the record reflects that the evaluation was reasonable and consistent with the solicitation's terms and applicable procurement statutes and regulations.
 2. Protest challenging agency's evaluation of the protester's past performance is denied where the record reflects that any errors in the agency's evaluation did not competitively prejudice the protester.
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DECISION

GeoSystems Analysis, Inc., of Tucson, Arizona, protests the award of a contract to Sound Science LLC, of Boise, Idaho, by the Department of the Interior, Bureau of Reclamation, under request for proposals (RFP) No. R16PS00088 for scientific, technical, and peer review services in support of the Lower Colorado River Multi-Species Conservation Program. GeoSystems alleges that the agency's evaluation of its technical proposal and past performance was unreasonable.

We deny the protest.

BACKGROUND

The solicitation, issued on December 15, 2015 as a total small business set-aside, and amended once, contemplated the award of a fixed-rate, indefinite-delivery/

indefinite-quantity contract with five one-year ordering periods.¹ RFP at B-1, C-2. The solicitation included a performance work statement (PWS) outlining various scientific, technical, and peer review tasks that the successful offeror would be required to perform; under each PWS task, descriptions of subtasks were provided. PWS at 1-3. As relevant here, one of the PWS tasks pertained to adaptive management. Id. at 3.

The solicitation provided that the award would be made based on consideration of the following four factors: experience of company and key personnel; technical approach; past performance; and price. RFP at E-11. The three nonprice factors were stated to be of equal importance and, when combined, significantly more important than price. Id.

The solicitation included proposal preparation instructions describing what the proposals must include under each evaluation factor. RFP at E-7 to E-11. As relevant here, under the technical approach factor, the solicitation instructed that proposals must include “a complete and detailed description of the [offeror’s] technical approach . . . to complete the work required in the solicitation.” Id. at E-9. The solicitation further instructed that this description must include:

detailed explanations of proposed approaches to performing and accomplishing the work, including preliminary design and other information indicating configuration and functions of components as applicable, and a specific outline of the actual tasks proposed to be performed in order to complete the work.

Id. The solicitation specified that this section of the proposal must not exceed 15 pages. Id.

As also relevant here, under the past performance factor, the solicitation instructed that offerors must “demonstrate satisfactory performance on more than three (3) projects where the work performed was similar in complexity and scope” to the work under the PWS. RFP, Amend. No. 000001, at E-10. This section of the solicitation also required offerors to provide contact information for their past performance references, and it stated that the agency would contact the references “to document critical elements of past performance.” Id.

In response to the solicitation, the agency received proposals from two offerors--GeoSystems and Sound Science. Agency Report (AR), Tab 14, Determination of Award, at 2. A technical proposal evaluation committee (TPEC) evaluated the

¹ The solicitation required offerors to propose fixed hourly rates for a variety of labor categories, and it provided that fixed-price task orders would be issued under the resulting contract. RFP at B-2, B-3, C-11.

proposals and assessed strengths, significant weaknesses, deficiencies, and risks under the nonprice factors. AR, Tab 12, TPEC Mem., at 2-4. The TPEC also assigned adjectival ratings under the nonprice factors, as well as overall proposal ratings.² Id. at 2-3. The proposal ratings and evaluated prices are shown in the table below.

	<u>GEOSYSTEMS</u>	<u>SOUND SCIENCE</u>
Experience of Company and Key Personnel	Excellent	Outstanding
Technical Approach	Acceptable	Outstanding
Past Performance	Neutral	Outstanding
Overall Rating	Acceptable	Outstanding
Price	\$1,971,700.00	\$1,825,349.20

AR, Tab 14, Determination of Award, at 3.

After the TPEC completed its evaluation, a contract specialist prepared a determination of award memorandum. AR, Tab 14, Determination of Award. The memorandum discussed the TPEC's evaluation findings and compared the proposals' ratings and evaluated prices. Id. at 2-3. The contracting officer, who also served as the source selection authority, concluded that Sound Science's higher-rated, lower-priced proposal represented the best value to the government. Id. The agency then awarded the contract to Sound Science.

After being notified of the award to Sound Science, GeoSystems received a written debriefing. The firm then filed an agency-level protest. The agency subsequently denied the protest. The firm then filed a protest with our Office.

DISCUSSION

GeoSystems alleges that the agency's evaluation of its technical proposal and past performance was unreasonable. We have considered all of GeoSystems' arguments and conclude, based on the record, that none furnishes a basis on which to sustain the protest. We discuss below the firm's principal claims.³

² The available ratings were outstanding, excellent, acceptable, marginal, poor/absent, and, as applicable only to past performance, neutral. AR, Tab 14, Determination of Award, at 7-8, 10, 12.

³ We note that in its initial protest, GeoSystems also raised allegations regarding its debriefing and the evaluation of its pricing. Protest at 4-7, 14-15. After the agency responded to those claims in its report, GeoSystems withdrew those grounds of protest. Comments at 1-2, 9.

Technical Approach

As shown above, GeoSystems' proposal received a rating of acceptable under the technical approach factor. AR, Tab 12, TPEC Mem., at 3. The record reflects that this rating was based on two evaluated significant weaknesses. See id. at 4. The significant weakness principally at issue in this protest relates to the PWS task area of adaptive management. The PWS listed five subtasks under this task area. PWS at 3. The TPEC documented the significant weakness as follows:

[I]t was unclear that the offeror has the experience in adaptive management that improves management through evaluation and implementation phases. In many cases, much of the time is spent on describing the types of things that the offeror could do or is capable of doing, but not as much detail on how they intend to complete tasks in the [PWS]. Specifically, they did not detail their approach to adaptive management questions; what was their process and structure for identifying key issues, prioritizing these, and implementing them. This level of detail was needed to fully evaluate their approach and suggests that they do not have a complete understanding of [the agency's] need or have developed a structure designed to accommodate the tasks presented in the [PWS].

AR, Tab 12, TPEC Mem., at 4. In other words, the TPEC found that GeoSystems' proposal lacked adequate detail regarding the firm's approach to the adaptive management task area.

GeoSystems argues that the agency's finding was unreasonable for a number of reasons. For example, the firm argues that its proposal did provide "a detailed description of our approach to how we would 'do' tasks . . . under the different PWS support areas," but that it "would have been impossible to address all of the [PWS] tasks" within the 15 pages allotted to the technical approach portion of the proposal. Protest at 13; Comments at 6-7. The firm also argues that "[a]daptive management is a process which we described in detail within our proposal." Protest at 13. Finally, the firm argues that the agency disregarded information relevant to its technical approach that was found in the past performance and personnel experience sections of its proposal. Id.; Comments at 7. For the reasons discussed below, we find none of these arguments availing.

In reviewing protests of an agency's evaluation of an offeror's technical proposal, our Office does not reevaluate proposals; rather, we review the evaluation to determine if it was reasonable, consistent with the solicitation's evaluation scheme, as well as procurement statutes and regulations, and adequately documented. See Alutiiq Tech. Servs. LLC, B-411464, B-411464.2, Aug. 4, 2015, 2015 CPD ¶ 268 at 4; Wackenhut Servs., Inc., B-400240, B-400240.2, Sept. 10, 2008, 2008 CPD ¶ 184 at 6. An offeror bears the burden of submitting an adequately written

proposal, and it runs the risk that its proposal will be evaluated unfavorably where it fails to do so. See Tetra Tech Tesoro, Inc., B-403797, Dec. 14, 2010, 2011 CPD ¶ 7 at 5; Int'l Med. Corps, B-403688, Dec. 6, 2010, 2010 CPD ¶ 292 at 7. A protester's disagreement with an agency's evaluation judgments, without more, does not establish that the agency acted unreasonably. See Wackenhut Servs., Inc., *supra*; Alutiq Tech. Servs. LLC, *supra*.

Here, the solicitation required that the technical approach section of an offeror's proposal include "a complete and detailed" description of the offeror's approach to accomplishing the tasks in the PWS. RFP at E-9. The solicitation further required that this description include "detailed explanations of proposed approaches . . . , including preliminary design and other information indicating configuration and functions of components as applicable, and a specific outline of the actual tasks proposed to be performed in order to complete the work." *Id.* As discussed above, the TPEC assessed a significant weakness to GeoSystems' proposal based on its finding that the proposal inadequately described how the firm would accomplish the work in the task area of adaptive management. AR, Tab 12, TPEC Mem., at 4.

We have reviewed GeoSystems' technical proposal and, based on its content, we see no basis to question the TPEC's assessment. While the proposal discusses adaptive management principles and GeoSystems' general capabilities in this area, it is not clear to us--and GeoSystems has not shown--that the proposal presents a detailed explanation of how the firm would accomplish each of the five subtasks in the adaptive management task area. See AR, Tab 4, GeoSystems Technical Proposal, at 27-31. Additionally, given that the solicitation specifically imposed a page limit on the technical approach section of offerors' proposals, we see no merit in the firm's position that the agency should have looked to other proposal sections for information regarding the firm's technical approach. In sum, we find that the record supports the agency's assessment of the significant weakness. GeoSystems' arguments to the contrary amount to disagreement with the agency's judgment, which, based on the record here, do not establish that the agency acted unreasonably. This ground of protest is denied.⁴

⁴ GeoSystems also challenges the second significant weakness assessed to its proposal under the technical approach factor. Protest at 13; Comments at 8. This significant weakness reflected the TPEC's finding that a particular paragraph in the technical approach section of GeoSystems' proposal raised a concern that the firm may not have fully understood the need to avoid the appearance of a conflict of interest when acting in an advisory capacity. See AR, Tab 12, TPEC Mem., at 4; Contracting Officer's Statement at 6. In its comments on the agency's report, GeoSystems states that inclusion of the paragraph at issue was an editorial "mistake," but that the significant weakness nevertheless was unreasonable. Comments at 8. We have considered the firm's arguments on this issue, and we conclude, based on the record, that they furnish no basis for sustaining the protest.

Past Performance

Next, GeoSystems raises various allegations regarding the agency's evaluation of the firm's past performance. As shown above, GeoSystems' proposal was assigned a rating of neutral under the past performance factor. AR, Tab 12, TPEC Mem., at 3. As also shown above, under the past performance factor, the solicitation required that offerors "demonstrate satisfactory performance on more than three (3) projects where the work performed was similar in complexity and scope" to the work under the PWS. RFP, Amend. No. 000001, at E-10. The record reflects that the TPEC assigned the neutral rating based on its finding that the available past performance information for GeoSystems did not include at least four projects of similar scope and complexity to the requirement here. See id. at 4; AR, Tab 14, Determination of Award, at 13, 21, 29, 33.

In challenging the neutral rating, GeoSystems first points out that the agency's evaluator worksheets defined a rating of excellent under the experience of company and key personnel factor as applicable to proposals that demonstrate the offeror has experience with at least five projects of similar kind and complexity. Comments at 3 (citing AR, Tab 14, Determination of Award, at 6-7). The firm then argues that since its proposal was assigned a rating of excellent under the experience of company and key personnel factor, the record shows the firm, in fact, had experience with at least four projects of similar scope and complexity to the requirement here. Id.

We need not address the merits of GeoSystems' allegation because we conclude, for the reasons discussed below, that the firm suffered no prejudice as a result of any possible error by the agency. Competitive prejudice is an essential element of every viable protest; where the protester fails to demonstrate that, but for the agency's actions, it would have had a substantial chance of receiving the award, there is no basis for finding prejudice, and our Office will not sustain the protest, even if deficiencies in the procurement are found. See Applied Bus. Mgmt. Solutions Inc., LLC, B-405724, Dec. 15, 2011, 2012 CPD ¶ 14 at 9; Joint Mgmt. & Tech. Servs., B-294229, B-294229.2, Sept. 22, 2004, 2004 CPD ¶ 208 at 8.

Here, even assuming for the sake of argument that GeoSystems' allegation has merit and the firm's proposal warranted the highest available rating under the past performance factor, we see no basis to conclude that the firm would have had a substantial chance of receiving the award. In this regard, the record shows that Sound Science's proposal was assigned the highest available rating (outstanding) under all three of the nonprice factors, and that Sound Science's proposal was priced lower than GeoSystems' proposal by approximately 7 percent. See AR, Tab 14, Determination of Award, at 3. Thus, even if GeoSystems' proposal was assigned a rating of outstanding under the past performance factor, the firm's proposal still would have been rated lower under the company experience and key personnel factor (outstanding versus excellent), and rated lower under the technical

approach factor (outstanding versus acceptable). Under these circumstances, we see no reasonable possibility that the agency would have selected GeoSystems' higher-priced and lower-rated proposal for award. Accordingly, we find the record shows that any error with the agency's evaluation of GeoSystems' past performance did not result in competitive prejudice to the firm.⁵

The protest is denied.

Susan A. Poling
General Counsel

⁵ As a separate allegation regarding the evaluation of its past performance, GeoSystems claims that the agency failed to exercise "due diligence" in obtaining information from the firm's past performance references. Protest at 7-10; Comments at 4-5. The analysis presented above regarding the lack of competitive prejudice associated with any error in the agency's past performance evaluation also applies to this allegation.