



## Decision

**Matter of:** Glatz Aeronautical Corporation

**File:** B-416392

**Date:** August 9, 2018

---

Jeffrey D. Glatz, for the protester.

Rachel E. Woods, Esq., and James Blakeman, Esq., Department of the Army, for the agency.

Heather Weiner, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

---

### DIGEST

Protest challenging agency's decision not to fund proposal under phase I of Department of Defense Small Business Innovation Research Program solicitation is denied where the evaluation was consistent with solicitation.

---

### DECISION

Glatz Aeronautical Corporation, a small business located in Newtown, Pennsylvania, protests the determination of the Department of the Army not to fund Glatz's phase I proposal under the Department of Defense's (DoD) Small Business Innovation Research (SBIR) Program Broad Agency Announcement (BAA) No. DoD SBIR-18-1, Army Topic No. A18-001, which invited proposals for research projects to address air platform passive occupant protection.<sup>1</sup> The protester challenges the agency's evaluation of its proposal as unreasonable.

---

<sup>1</sup> The SBIR program is designed to increase the participation of small business concerns in federally funded research or research and development (R&D). See SBIR Program Act of 1982, 15 U.S.C. § 638. Pursuant to this authority, certain federal agencies, including DoD, are required to provide a program under which a portion of the agency's research or R&D effort is reserved for award to small business concerns through a three-phased process. See generally id. Under the program, firms first apply for a phase I award to test the scientific, technical, and commercial merit and feasibility of a certain concept. If this is successful, the firm may be invited to apply for a phase II award to further develop the concept. After the completion of phase II, firms are expected to obtain funding from the private sector and/or non-SBIR government

(continued...)

We deny the protest.

## BACKGROUND

The Army issued the BAA on November 29, 2017, seeking proposals for phase I efforts. The topic at issue here sought proposals to develop air platform occupant safety improvements to prevent injury or fatality within the constraints associated with legacy air vehicles. BAA § 12, Army Component Instructions & Technical Topics, at 14 (topic 1). Specifically, the focus was to prevent the vehicle occupants from striking interior hard points, such as the control stick or aircraft structure, during a crash or hard landing. Id.

With respect to phase 1, topic 1 required the following:

Perform a design study to support the development of a system that will integrate seamlessly with existing crash worthy aircraft systems on rotary wing and fixed wing military aircraft. Conduct an assessment of appropriate technologies which may be utilized to build, integrate, and test a system to the meet the challenges listed above. Perform a trade-off analysis to determine the best approach for a system. Fully develop a preliminary engineering design.

Id. at 14. In addition, topic 1 indicated that the agency was particularly interested in proposals that addressed certain specified innovations.<sup>2</sup> Id.

The BAA provided that phase I proposals would be evaluated based on the following evaluation factors, listed in descending order of importance: technical merit, staff qualifications and capability, potential for commercialization, and cost/price. BAA at 26. The solicitation explained that the proposal must provide sufficient information to demonstrate that the proposed work represents “an innovative approach to the investigation of an important scientific or engineering problem and is worthy of support.” Id. at 11. It also provided that the technical reviewers would base their conclusions only

---

(...continued)

sources to develop the concept into a product for sale in private sector and/or military markets. This protest involves the award of phase I contracts.

<sup>2</sup> For example, innovations were sought to reduce the “negative effects of occupant shoulder and head pitchout during a crash” which can “allow the occupant[’s] head or upper torso to strike hard interior areas that cannot be padded or protected,” and “result in crippling injury or fatality.” Id. In addition, the topic explained that the “ideal system must assimilate into the vehicle without the need for a form, fit, or function modification to any other part of the aircraft,” as well as “operate without the need for aircraft power or other interactions.” Id. The topic also advised that “[a]dded weight is a concern,” and that “[t]he system should not add more than one pound of aircraft weight per occupant.” Id. In this regard, it stated that the innovation should be “unobtrusive, easy to operate, and be comfortable for the user.” Id.

on the information contained in the proposals, and that it could not be assumed that the reviewers would be acquainted with the firm, key individuals, or any referenced experiments. Id. at 26.

The agency received 12 proposals, including one submitted by Glatz. Glatz's proposal included an introduction section, which described Glatz's approach to the project as follows:

[Glatz] proposes using its Next Generation Troop Seat (NGTS) as an "integration medium." The NGTS incorporates components and processes, some unique, that are designed specifically to reduce upper body and head contact injuries. A previous US Air Force SBIR demonstrated that the NGTS technologies are adaptable to a variety of aircraft attachments; and, as a system, are likely to fit in all US DoD helicopter / rotary-wing aircraft.

Agency Report (AR), Tab 8, Glatz Proposal, at 1.

In addition, Glatz's proposal included a statement of work (SOW), which consisted of four tasks: task 1--analyze NGTS test data and comparatively evaluate it with the current, operational DoD H-60 crashworthy troop seats; task 2--determine improvements to NGTS by comparing NGTS data to H-60 troop seats as a baseline; task 3--conduct a literature search to ascertain if there are other technologies that could be incorporated into the NGTS; and task 4--document efforts and results in report. Id. at 9-11.

Glatz's proposal was evaluated by three technical evaluation team (TET) members. AR, Tab 6, Glatz Tech. Eval., at 1-3. Ultimately, Glatz's proposal was not among the two proposals that were the most highly-rated and selected for funding. AR, Tab 7, Order of Merit List, at 1. Glatz requested feedback on its proposal, and on May 10, 2018, the agency provided Glatz with a summary of the TET evaluations. AR, Tab 11, Glatz Debrief, at 1-3. The summary detailed all of the strengths and weaknesses assessed by the evaluators. Id. In this regard, the evaluators identified strengths and weaknesses under each evaluation criterion. Overall, the main concern identified by the evaluators was that Glatz's proposal did not include a new technology or concept for consideration.

After reviewing the agency's evaluation summary, Glatz filed this protest with our Office.

## DISCUSSION

Glatz challenges the weaknesses assessed by the TET under all three of the solicitation's evaluation criteria. As discussed below, based on our review of the record,

we find no basis to conclude that the agency acted improperly in deciding not to select Glatz's proposal for funding.<sup>3</sup>

It is well-established that agencies have substantial discretion to determine which proposals they will fund under an SBIR procurement. NW Systems, B-401352, July 13, 2009, 2009 CPD ¶ 152 at 2. In light of this discretion, our review of an SBIR procurement is limited to determining whether the agency acted in bad faith or violated any applicable regulations or solicitation provisions. Id. In reviewing protests against an allegedly improper evaluation, it is not our role to reevaluate proposals. Rather, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the evaluation criteria. Science, Math & Eng'g, Inc., B-410509, Jan. 7, 2015, 2015 CPD ¶ 31 at 5. The protester's disagreement with the agency's judgment, by itself, does not establish that an evaluation was unreasonable. Id.

#### Technical Merit Factor

Glatz first challenges various weaknesses assessed in its proposal under the technical merit criterion. This aspect of the evaluation was to generally consider the soundness, technical merit, and innovation of the proposed approach and its incremental progress toward the topic or subtopic solution. BAA at 26.

Glatz's proposal focused on analyzing prior test data of an existing product to ascertain if the product could be enhanced/improved to reduce upper body and head contact injuries.

The agency assessed a weakness to Glatz's proposal because it did not include a new technology or concept for consideration. For example, one evaluator stated that "[t]he innovations that comprise the proposed solution have already been developed." AR, Tab 6, Glatz Tech. Eval., at 3. Specifically, this evaluator explained that Glatz's proposal does not "propose any new testing to be done or technology to be developed, it only proposes to further analyze data that has already been collected and conduct a literature search to determine what commercial off-the-shelf (COTS) products could be added to further reduce head/shoulder pitchout." Id. Another evaluator stated: "No specific new technologies are given for further study or development." Id. at 1. A third evaluator found: "No new technologies are introduced for consideration," and that "[t]he NGTS has been through previous development and test programs, and therefore does not appear to be a new innovative concept for the SBIR topic." Id. at 2.

The protester argues that this weakness is unreasonable because it is contradicted by comments in the evaluation, which the protester asserts, establish that the agency acknowledged that Glatz was introducing new technologies. We disagree. Although the evaluators mention words such as--"innovations" and "innovative technology"--it is

---

<sup>3</sup> Although we do not discuss all of the protester's arguments in detail in this decision, we have reviewed each and conclude that none provides a basis to sustain the protest.

clear that they did so in the context of Glatz's previously developed innovations, rather than to acknowledge introduction of a new technology here, as the protester asserts. For example, although one evaluator stated that, "[w]ith more design, the innovative technology concepts [of the NGTS] can be adapted for other seat designs[.]" id. at 3, the evaluator concluded, that "[a] product that is ready to be [a] [commercial off-the-shelf product] is not appropriate for a Phase I SBIR." id. As another example, one evaluator stated that "[t]he innovations that comprise the proposed solution have already been developed." id. Although the protester disagrees with the agency's evaluation, such disagreement, without more, does not render the evaluation unreasonable. Science, Math & Eng'g, Inc., supra. In this regard, the agency provides reasonable explanations to support its concerns about the soundness of Glatz's approach.

As another example, the protester challenges a weakness assessed by the agency to Glatz's proposal for failing to explain "how [t]ask 1 of the SOW will quantify improvements to the existing seat restraints (to reduce upper torso and head motion from impacting cockpit strike hazards) by comparing two different seating systems." AR, Tab 6, Glatz Tech. Eval., at 2. The protester disagrees, noting that its proposal stated that it would "review the electronic and motion data to quantify the performance of those components and processes on the NGTS that reduce upper body / head movement." Protest at 15; AR, Tab 8, Glatz Proposal, at 9. Although the protester is correct that its proposal indicated that it would review electronic and motion data, based on our review of the record, we agree with the agency that Glatz's proposal did not otherwise explain how its proposed task 1 would quantify improvements to the seat restraints by comparing two different seating systems. An offeror has the burden of submitting an adequately written proposal; where a proposal omits, inadequately addresses, or fails to clearly convey required information, the offeror runs the risk of an adverse agency evaluation. Addvetco, Inc., B-412702, B-412702.2, May 3, 2016, 2016 CPD ¶ 112 at 7-8. Here, the protester failed to satisfy this burden. Thus, we find no basis to sustain the protest.

#### Qualifications Factor

Glatz next challenges several weaknesses identified in its proposal under the qualifications criterion, arguing that they either constitute unstated evaluation criteria or are based on unsupported rationale or justification. As discussed below, however, based on our review, we find nothing unreasonable regarding the agency's evaluation.

Under this criterion, the BAA provided that the agency would consider qualifications of proposed principal/key investigators, supporting staff, and consultants, and explained that qualifications included not only the ability to perform the research and development, but also the ability to commercialize the results. BAA at 26.

The agency assessed several weaknesses under this factor. For example, the agency assigned a weakness because Glatz proposed "[o]nly one person to work on the project," which the agency found to mean "decreased breadth of experience," and "less chance of new innovation solutions being selected for further development and integration with solution." AR, Tab 6, Glatz Tech. Eval., at 1. Glatz asserts that this weakness is unreasonable because the solicitation did not include a requirement for a

specific number of persons to work on the project. Although true that the BAA did not specify the number of personnel that must be used, the solicitation informed offerors that, under this factor, the agency would evaluate the qualifications of proposed principal/key investigators and supporting staff, including their ability to perform the proposed research and development, and ability to commercialize the results. As referenced above, an offeror has the burden of submitting an adequately written proposal. Addvetco, Inc., B 412702, supra. Accordingly, to the extent Glatz's approach relied upon only one individual, it was incumbent upon Glatz to demonstrate in its proposal that one person was sufficient to perform the research and development project and to commercialize the results as proposed.

The agency also assigned a weakness under this factor because Glatz's proposal "describe[d] a manufacturing firm," but did not "designate [it] a subcontractor/consultant." Id. at 2. The agency therefore concluded that the "relevancy of this information [is] unknown." Id. Although the protester maintains that its proposal properly "describe[ed] [its] manufacturing partner in detail" under the section of its proposal entitled "Key Personnel," Protest at 22; AR, Tab 8, Glatz Proposal, at 19, this section of Glatz's proposal did not describe in detail any teaming relationship between Glatz and the "manufacturing partner." Id. Based on our review of the record, we find nothing unreasonable regarding the agency's evaluation.

#### Commercialization Factor

Finally, Glatz protests the weaknesses assessed to its proposal under the commercialization criterion. This aspect of the evaluation was to consider the potential for commercial (government or private sector) application and benefits expected to accrue from this commercialization. BAA at 26.

The weaknesses assessed under this factor reflect the agency's concerns that Glatz's proposal does not focus on testing, and does not include marketing costs or projections. AR, Tab 6, Glatz Tech. Eval., at 1-2. In addition, the weaknesses express the agency's concerns that the product "is ready to be a [commercial-off-the shelf] product", and therefore is not appropriate for a phase I SBIR. Id. at 1-3.

In conclusion, the record shows that the agency identified and documented various weaknesses in Glatz's proposal consistent with the solicitation's stated evaluation criteria. As noted previously, the protester's disagreement with the agency's conclusions regarding the technical merit of its proposal, by itself, do not invalidate the reasonableness of the agency's evaluation. On this record, we conclude that the agency's evaluation of Glatz's proposal was reasonable and consistent with the solicitation, and that the agency reasonably exercised its discretion in deciding not to fund the protester's proposal.

The protest is denied.

Thomas H. Armstrong  
General Counsel