

Decision

Matter of: Mesotech International, Inc.

File: B-419534

Date: March 22, 2021

Christopher R. Swinehart, Mesotech International, Inc., for the protester.
Colonel Patricia Wegman-Lenz, Captain Allison K.W. Johnson, and Sean B. Brady, Esq., 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 is dismissed where protester effectively concedes that its proposal contained at least one deficiency that rendered it ineligible for award, and protester is otherwise not an interested party to maintain any of its remaining allegations.

DECISION

Mesotech International, Inc., of Sacramento, California, protests the rejection of its proposal submitted in response to request for proposals (RFP) No. FA8730-20-R-0050, issued by the Department of the Air Force for tactical meteorological observation system support services. Mesotech argues that the agency miscalculated its proposal.

We dismiss the protest.

The RFP contemplates the award, on a lowest-price, technically acceptable basis, of a fixed-price contract to provide sustainment services for a quantity of tactical meteorological observing systems fielded worldwide for a base ordering period of 5 years, a single 1-year option period, and a second, 6-month option period. In addition to price, firms were advised that proposals would be evaluated on a pass/fail basis under a single technical evaluation factor that included five equally-weighted¹ subfactors as follows: transition plan, program management plan, automated observation system

¹ The RFP did not specify the relative weights for the technical evaluation subfactors, so we conclude that they were equally weighted. *High Noon Unlimited, Inc.*, B-417830, Nov. 15, 2019, 2019 CPD ¶ 387 at 2.

replacement plan, systems engineering, and staffing plan. Agency Report (AR) exh. 13, RFP Evaluation Factors, at 7. Proposals were required to be rated acceptable under each of the evaluation subfactors in order to be eligible for award. *Id.*

The record shows that Mesotech's proposal was evaluated as unacceptable under the program management plan and systems engineering subfactors, and as a consequence, was eliminated from further consideration. AR, exh. 26, Technical Evaluation Report, at 1. The agency assigned a number of deficiencies, significant weaknesses and weaknesses under each of these two subfactors. *Id.* at 3-4, 6-8. Mesotech was advised of all of these deficiencies, significant weaknesses and weaknesses during a debriefing provided by the agency after the protester was eliminated from consideration. AR, exh. 31, Debriefing Slides, at 14-15, 19-20.

In its protest, Mesotech raised objections to the agency's assignment of certain of the identified weaknesses, significant weaknesses, and deficiencies, but did not challenge all of the agency's findings. For purposes of our discussion, the record shows that the agency assigned a deficiency to the Mesotech proposal under the systems engineering subfactor for failing to address seven enumerated requirements of the solicitation's performance work statement (PWS).² Mesotech's initial protest made passing reference to two of the seven PWS requirements, but did not allege or demonstrate that the agency's finding about the remaining five PWS requirements was unreasonable or in error.³

² The seven requirements were: PWS paragraphs 8.1.4, ozone depleting substances, 8.3.3 configuration status accounting information, 8.4.5 diminishing manufacturing sources and material shortages (DMSMS) impact assessment, 8.4.5.1 DMSMS impact assessment business case analysis, 9.4.1, program protection planning and implementation, and 9.4.2 critical program information identification and protection. AR, exh. 26, Technical Evaluation Report, at 6-7.

³ First, Mesotech made reference to the ozone depleting substances requirement outlined on PWS paragraph 8.1.4. Protest at 4-5. Mesotech's protest did not allege or demonstrate that its proposal actually addressed this requirement. Instead, Mesotech alleged only as follows: "This requirement is very specific and to address it in the proposal would simply be to re-state it. By affirming with the proposal submission that the Offeror will meet all PWS requirements, the Offeror provided assurance to the Agency that it would perform this work." *Id.*

Second, Mesotech made reference to the configuration status accounting information requirement outlined in PWS paragraph 8.3.3. Protest at 5, 7-8. Again, Mesotech did not allege or demonstrate that its proposal actually addressed this requirement. Instead Mesotech stated only generally that it had not used the phrase "configuration status accounting information" in its proposal, but that this was unobjectionable because it made reference to the tool it would use to input such data known as REMEDY. For example, Mesotech's protest states: "It is apparent that the Agency assessed this as a deficiency because the Offeror did not re-state the phrase "Configuration Status

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The agency filed a detailed report responding to Mesotech's protest that addressed all of Mesotech's allegations including those described above relating to the ozone depleting substances and the configuration status accounting information requirements. In its comments responding to the agency report, Mesotech made no further mention of its claim relating to ozone depleting substances requirement outlined in PWS paragraph 8.1.4, and essentially repeated--without elaboration--that its references to the REMEDY tool were adequate to respond to the configuration status accounting information requirement outlined in PWS paragraph 8.3.3.

On this record, we conclude that Mesotech essentially concedes that the agency correctly assigned this deficiency in its proposal for failing to address the seven enumerated PWS requirements. Of the seven PWS requirements, Mesotech did not advance a protest allegation relating to five of them. As to the remaining two requirements, Mesotech effectively abandoned these two protest allegations, since its response to the agency report did not address the ozone depleting substances requirement, and only essentially repeated its protest allegation regarding the configuration status accounting information requirement. *Yang Enterprises, Inc.*, B-415923, Mar. 12, 2018, 2018 CPD ¶ 109. Mesotech's comments also state--without elaboration--that it provided thorough arguments in its original protest, but such a statement, without more, is inadequate to maintain its remaining allegations where the agency has provided a detailed, substantive response. *Id.* Accordingly, we dismiss this aspect of Mesotech's protest.

Because we find that Mesotech has conceded that the agency properly identified the deficiency in its proposal discussed above, we need not consider its remaining allegations in detail because it is not an interested party to maintain those allegations. Our Bid Protest Regulations, 4 C.F.R. § 21.0(a)(1), 21.1(a), provide that only an "interested party," that is, an actual offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract, may file a protest.

Here, because Mesotech's proposal contained at least one deficiency discussed above, the firm was ineligible for award of the contract. Thus, even if Mesotech were

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Accounting Information" or "CSAI." The offeror discussed CSAI throughout the proposal many times with the use of the word REMEDY." Protest at 5.

correct as to its remaining allegations, it still would be ineligible for award of the contract. We therefore dismiss its remaining protest allegations as well.

The protest is dismissed.

Thomas H. Armstrong
General Counsel