



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Systems Integration & Development, Inc.

File: B-271050

Date: June 7, 1996

E. W. Smith, Jr. for the protester.

William L. Ensign, Acting Architect of the Capitol, for the agency.

Linda S. Lebowitz, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency properly evaluated under the solicitation's generally worded experience criterion the qualifications of an offeror's proposed personnel and the experience of the firm itself with computer aided design systems, the primary functional computer architecture to be supported under the contract, since the agency may evaluate the extent to which offerors have experience directly related to the work required by the solicitation.
2. Agency reasonably selected the incumbent contractor's technically superior, higher-priced proposal for award where it was reasonably determined that the proposal's technical advantages justified the payment of a price premium and the stated evaluation methodology provided that technical evaluation factors were more important than price in selecting the proposal most advantageous to the government.

DECISION

Systems Integration & Development, Inc. (SID) protests the award of a contract to Independent Network Consultants, Inc. (INC) under request for proposals (RFP) No. 9607, issued by the Architect of the Capitol (AOC) for comprehensive computer support services in the Capitol Complex of Buildings, Washington, D.C. SID challenges the evaluation of its proposal and the award to INC, a higher technically rated, higher-priced offeror.

We deny the protest.

The RFP contemplated the award of a firm, fixed-price contract for a base period with a 1-year option period. The RFP described the equipment and systems currently in use in the Capitol and various congressional office buildings. The RFP

required an offeror to propose four individuals and to demonstrate their knowledge, skills, and abilities in several areas, including "[i]n depth knowledge of network operating systems, network protocols and network management schemes"; "[e]xpert skill in developing and implementing methodologies to seamlessly implement highly complex heterogenous network (LAN) [local area network] services"; and "[e]xpert skill in assessing new technologies and their applicability to specific AOC requirements [and] the ability to adapt these technologies to specific applications." The RFP also required an offeror to identify at least three projects of similar size, scope, and complexity to the requirements of the RFP which were performed by the offeror within the previous 3 years, specifically detailing the types of hardware and software systems serviced. Finally, the RFP required an offeror to describe its management approach.

The RFP stated that the award would be made to the responsible offeror whose proposal was deemed most advantageous to the government, price and technical evaluation factors considered. The technical evaluation factors tracked the RFP requirements and were weighted as follows: (1) technical personnel (40 points); (2) corporate experience and past performance (40 points); and (3) management approach (20 points). The RFP provided that higher scores would be assigned to offerors which demonstrated in their proposals more extensive personnel qualifications and experience in performing the RFP requirements. The RFP also provided that the technical evaluation factors were considered more important than price, and that an offeror's proposed price would only become more important as the technical merit of proposals became more equal.

Of the 23 firms which submitted initial proposals, the proposals of 10 firms, including SID and INC, the incumbent contractor, were determined to be in the competitive range. Following oral discussions with each competitive range offeror and interviews with proposed personnel, the agency requested best and final offers from each offeror. The final technical evaluation scores for SID and INC (the only offerors whose proposals were ultimately considered eligible for award) were as follows:

	<u>SID</u>	<u>INC</u>
Technical personnel	32	36
Corporate experience/ past performance	30	38
Management Approach	<u>20</u>	<u>17</u>
Total	82	91

SID's proposed price was \$420,502, and INC's proposed price was \$486,720.

Since INC scored higher than SID in the two most important technical evaluation areas--technical personnel and corporate experience/past performance--and since INC had a higher total technical evaluation score, the agency determined that INC's proposal was technically superior to SID's proposal and that this technical superiority justified the payment of a price premium. Accordingly, the agency awarded the contract to INC.

SID argues that its proposal was improperly downgraded for the technical personnel and corporate experience/past performance technical evaluation factors based on the agency's use of an unstated evaluation factor, namely, consideration of whether an offeror's proposed personnel were qualified to support computer aided design (CAD)¹ hardware and software systems and whether the firm itself had experience in providing CAD support services. Moreover, SID complains that INC, as the incumbent contractor, received an unfair competitive advantage.

In reviewing protests against the propriety of an agency's evaluation of proposals, we will examine an agency's evaluation to ensure that it was fair and reasonable and consistent with the evaluation criteria stated in the RFP. Research Analysis and Maintenance, Inc., B-239223, Aug. 10, 1990, 90-2 CPD ¶ 129; Institute of Modern Procedures, Inc., B-236964, Jan. 23, 1990, 90-1 CPD ¶ 93. Based on our review of the record, we conclude that in evaluating SID's proposal, the agency reasonably evaluated the qualifications of SID's proposed personnel and its own corporate experience/past performance and did not utilize an unstated evaluation factor. Further, we conclude that INC did not receive an unfair competitive advantage.

The CAD system is the primary functional computer architecture which AOC uses to satisfy its facility management requirements. For one building, the RFP stated that "[s]ervices currently supplie[d] for networked PCs [personal computers] are heavily configured for . . . [CAD]. The CAD system is an Intergraph 6400 Series Unix Server which utilizes the TCP/IP [Transmission Control Protocol/Internet Protocol]." The RFP also specified that the current CAD software was Intergraph's Microstation 4.0. According to the RFP, other buildings must use the specified CAD software to access the CAD server.

¹CAD is a technique in which the computer is used for drawing and problem solving in technical fields, such as architecture and engineering systems. The agency's architectural, engineering, and facility management staff use the CAD system to change congressional room assignments and to make structural changes within a building. The agency states that any failure in the CAD system would result in its inability to provide necessary congressional services, a result which would be seriously disruptive and unacceptable.

In evaluating proposals, the agency did not limit its consideration to whether an offeror's proposed personnel were generally qualified in working with computer hardware and software systems and whether a firm had corporate experience/past performance with computer systems in general. Rather, the agency specifically considered whether the proposed personnel had CAD qualifications and whether an offeror had CAD corporate experience/past performance. While CAD qualifications and experience were not specifically described in the evaluation criteria, the RFP evaluation criteria section stated that proposed employees' knowledge, skills, and abilities would be assessed, with higher ratings given for those with "more extensive qualifications, knowledge, skills and abilities when measured against" RFP requirements. A similar statement was set forth regarding the evaluation of corporate experience/past performance. In addition, the RFP's technical instructions required submissions to reflect an offeror's proposed personnel's "[i]n depth knowledge of network operating systems . . ." and their "expert skills in assessing new technologies and their applicability to specific AOC requirements [and] the ability to adapt these technologies to specific applications." The offerors also were to discuss hardware and software systems previously serviced in connection with projects of "similar size, scope and complexity to that required by" the RFP. Given that the CAD system is AOC's primary functional computer architecture, offeror and proposed personnel experience with CAD was obviously important to AOC and properly considered under the technical personnel and corporate experience/past performance evaluation criteria. In this regard, we have long recognized that an agency, under generally-worded experience criteria, properly may evaluate the extent to which offerors have experience directly related to the work required by the RFP. See Human Resource Sys., Inc.; Health Staffers, Inc., B-262254.3 et al., Dec. 21, 1995, 96-1 CPD ¶ 35; FMS Corp., B-255191, Feb. 8, 1994, 94-1 CPD ¶ 182. Thus, we do not agree with SID that the agency relied upon an unstated evaluation factor.

We also find the actual evaluation of SID's proposal to be reasonable. In evaluating SID's proposed personnel, the agency considered the resumes furnished for each of the proposed individuals and the interviews with two of these individuals. In evaluating SID's corporate experience/past performance, the agency contacted references and considered SID's description of its relevant experience, including a detailed list of its systems integration expertise which was broken down into numerous categories (e.g., operating systems, communication protocols and architectures, languages, graphical user interfaces, multimedia, imaging software, "CASE" engineering software, database management systems, hardware, desk top publishing, and mailing system). While the agency determined that SID's proposed personnel were "technically experienced" and "appeared to have the depth of personnel experience to easily meet the technological requirements of [AOC]," and SID's references reported that the firm satisfactorily performed required services and SID personnel were technically qualified, competent, and conducted themselves in a professional manner, the record supports the agency's conclusions that none of

SID's proposed personnel described experience with CAD systems,² and SID itself did not reference any CAD experience. In particular, the agency noted that although SID had experience with communication protocols that CAD systems use, SID neither had general CAD experience nor specific Intergraph CAD experience as described in the RFP.

In contrast, one of INC's proposed personnel, as evidenced by the resume furnished with INC's proposal, expressly listed experience with the "installation, integration, and configuration of Microstation CAD system, with the goal of optimization of performance" and INC, as the incumbent contractor, had direct experience with all AOC equipment and systems, including the CAD system. In fact, INC's proposed personnel developed the current system configuration. The agency determined that INC's proposed personnel were "very strong and ha[d] substantial experience" and INC's references, particularly the one from AOC commenting on INC's performance as the incumbent contractor, reported that the firm fulfilled its contract "above and beyond" the reference's satisfaction and that INC personnel were "outstanding . . . ready to go above and beyond" in terms of technical qualifications, competence, and professional conduct. In evaluating INC's proposal, we think the agency reasonably considered INC's relevant incumbent experience. Incumbency carries with it certain advantages; consideration of an incumbent's experience does not result in an unfair competitive advantage. See Dayron, B-265875.2, Jan. 11, 1996, 96-1 CPD ¶ 10.

In its comments to the agency report, SID maintains that two of its proposed personnel, as well as the firm, have experience with imaging systems, experience which SID suggests is comparable to CAD experience, that is, "[t]he CAD system behave[s] similar to imaging systems".³ According to SID's proposal, it has developed for corporate information providers a large image storage system which "helps information providers store their information on the network and allows their subscribers to download the information on demand to their workstation." SID states it has "designed and developed [this] imaging system to handle large images including [very complex] CAD drawings."

²In its comments to the agency report, SID simply states that one of its proposed technicians "has extensive experience with CAD system." SID, however, does not even identify the individual in its proposal to whom it refers. We have reviewed the resumes for each of SID's proposed personnel and are unable to confirm that any of SID's proposed personnel had relevant CAD experience.

³Unlike SID's previous reference to one proposed technician having CAD experience, we were able to confirm, based on our review of the resumes, that SID's proposed team leader and another proposed employee had experience with imaging systems.

While SID may have expertise and experience in storing and retrieving CAD drawings, drawing storage and retrieval processes and techniques appear to be distinct from the processes and techniques involved in originally generating these drawings. Thus, in the absence of evidence to the contrary, we cannot conclude that AOC should have considered SID's expertise and experience with image storage and retrieval systems as comparable to expertise and experience with using CAD systems to generate original CAD drawings.

SID also challenges the agency's price/technical tradeoff which resulted in the award to INC, a higher technically rated, higher-priced offeror. SID maintains that with such a slight difference in total technical evaluation scores, as the lower-priced offeror, it should have received the award as the offeror submitting the most advantageous proposal.⁴

In a negotiated procurement, where the solicitation does not provide for award on the basis of the lowest-priced, technically acceptable proposal, an agency has the discretion to make award to an offeror with a higher technical score and a higher price where it reasonably determines that the price premium is justified and the result is consistent with the evaluation criteria. See LSS Leasing Corp., B-259551, Apr. 3, 1995, 95-1 CPD ¶ 179.

While INC's price was approximately 14 percent higher than SID's price, INC's proposal was, as discussed, reasonably determined by AOC to be technically superior to SID's proposal in the areas of technical personnel and corporate experience/past performance, the two most heavily weighted technical evaluation factors. Moreover, INC had a good performance record, particularly with AOC, which, the agency states, has led it to develop substantial confidence in INC's ability to isolate and correct network failures. (For example, in the source selection

⁴SID states that after award, it was told that the total point differential between its proposal and INC's proposal was 6 points, not 9 points. In its report, the agency explains that there was a clerical error in the evaluation documents, but that the 9-point differential is correct. Regardless of the point differential, we do not place much weight on the differential since the scores themselves are not controlling as to the significance of actual proposal differences; point scores are useful only as guides to intelligent decision-making. See Earle Palmer Brown Cos., Inc., B-243544; B-243544.2, Aug. 7, 1991, 91-2 CPD ¶ 134. In this case, putting aside the relative closeness of the point differential, the agency determined that INC's proposal was technically superior to SID's proposal in the areas of technical personnel and corporate experience/past performance and that INC offered real advantages as the incumbent contractor. The agency did not rely on the point differential as the basis for making the selection decision. Even assuming a closer point differential, the record clearly shows that the reasons for selecting INC for award would remain.

document, the agency explains that during an early phase in network implementation, there was a network failure which resulted in the failure of the agency's accounting staff to process vendor payments and to provide accounting information to management. Because of the inability of the contractor at that time to isolate and correct the failure, the agency replaced that contractor with INC which expeditiously restored full network service.) Under the circumstances, we have no basis to question the agency's decision to award to INC at a higher price than offered by SID.⁵

The protest is denied.

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⁵We note that the agency calculated that if SID were awarded the contract, it would incur approximately \$44,000 in various transition costs, thus significantly diminishing the price savings associated with SID's proposal.