



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Orbit Advanced Technologies, Inc.

File: B-271293

Date: May 24, 1996

John W. Fowler, Jr., Esq., Blank, Rome, Comisky & McCauley, for the protester.
Maj. Jeffrey W. Watson and Marian E. Sullivan, Esq., Department of the Air Force,
for the agency.

Guy R. Pietrovito, Esq., and James A. Spangenberg, Esq., Office of the General
Counsel, GAO, participated in the preparation of the decision.

DIGEST

The contracting agency reasonably excluded the protester's proposal from the competitive range where the number and magnitude of deficiencies and weaknesses evaluated in the protester's unacceptable proposal would necessitate a major proposal revision for the proposal to be made acceptable.

DECISION

Orbit Advanced Technologies, Inc. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. F33657-95-R-0049, issued by the Department of the Air Force for a radome verification system.

The protest is denied.

The RFP, issued as a total small business set-aside, provided for the award of a fixed-price contract for the construction of a radome verification system at Warner-Robins Air Force Base, Georgia. The radome in question is a bulbous-shaped housing that covers the radar on the MC-130H Combat Talon II aircraft. Verification testing is performed to ensure that the housing surface has no blemishes that would degrade the effectiveness of the radar signal. The contractor is to provide on a turnkey basis the complete facility necessary to perform the radome verification testing. This includes construction of an anechoic chamber,¹ a "parent enclosure," and provision of all necessary equipment and software to perform the testing. Detailed specifications for the facility and equipment were provided in the RFP.

¹An "anechoic chamber" is designed to be free of echo and reverberation.

Offerors were informed that award would be made on a best value basis, based upon an integrated assessment of the offerors' proposals under stated specific evaluation factors and general considerations, and considering the offerors' evaluated proposal and performance risks. The following evaluation factors and subfactors were identified, as being in descending order of importance:

Technical

- a. Anechoic chamber and equipment
- b. Parent enclosure
- c. Software
- c. Testing, time, and methodology

Management

- a. Program management
- b. Logistics management

Price

Offerors were also informed that the agency would assess the soundness of approach presented by a proposal, as well as the offerors' understanding and compliance with the RFP requirements. The RFP provided that proposals were limited to 100 pages for the technical evaluation factor and 50 pages for the program management factor, and that technical proposals must identify the equipment and software offered and how the offered equipment and software satisfied the technical requirements. Offerors were also instructed to provide sufficient cost/price information to establish the reasonableness, realism, and completeness of proposed pricing.

The Air Force received four proposals, including Orbit's, by the closing date for receipt of proposals. Initial proposals were evaluated under an adjectival rating scheme, as follows:²

²Proposals were evaluated under each evaluation factor as either "B," blue/exceptional; "G," green/acceptable; "Y," yellow/marginal; or "R," red/unacceptable. A yellow rating indicated that the proposal failed to meet evaluation standards but could be corrected, while a red rating indicated that the proposal failed to meet a minimum RFP requirement and could not be corrected without major revision. Proposals were also evaluated for proposal risk as either "H," high; "M," moderate; or "L," low risk.

Offerors	A	B	C	Orbit
Technical				
Anechoic Chamber	Y/L	Y/M	Y/M	R/H
Parent Enclosure	Y/M	R/H	Y/L	R/H
Software	Y/L	Y/M	Y/L	Y/M
Testing, time, and methodology	Y/L	Y/M	Y/L	R/H
Management				
Program Management	Y/H	Y/M	Y/H	Y/H
Logistics Management	Y/M	Y/M	Y/M	Y/M
Price	\$6.2M ³	\$8.5M	\$7.2M	\$6.9M

Orbit's unacceptable ratings under three of the four technical evaluation subfactors reflected the evaluators' view that Orbit's proposal required major revisions to become acceptable. In this regard, the agency's evaluators identified 39 deficiencies and 39 other areas requiring clarification in Orbit's proposal. For example, under the anechoic chamber subfactor, the evaluators found, among other things, that Orbit did not provide emergency lighting for the chamber; that Orbit did not provide limit switches on the positioner axes of the "unit under test" (UUT); that Orbit's proposed signal source subsystem did not meet spectral purity or internal leveling requirements; and that Orbit's proposed power supplies for the UUT stimulus generator did not meet resolution and ripple requirements. Orbit's proposal was also assessed as unacceptable under the parent enclosure subfactor because Orbit did not address the acoustical control and facility power requirements. Under the testing, time, and methodology subfactor, Orbit's proposal was evaluated as not being compliant with the specification requirements for back-to-back beam deflection; also it did not address required validation and acceptance testing. With regard to price, the agency determined that Orbit had failed to provide sufficient data in its price proposal to allow the agency to assess the reasonableness, realism, or completeness of the proposed pricing.

³"M" means million.

Given the number and magnitude of the deficiencies identified in Orbit's initial proposal, the Air Force concluded that Orbit's proposal could not be made acceptable without significant revision. The Air Force determined that "[t]here was no reasonable expectation that [Orbit] will so significantly correct their deficiencies . . . that [it] would improve [its] potential for award over another offeror." The remaining offerors' proposals were found to include weaknesses and deficiencies of less magnitude than Orbit's and which would not require major revision for the proposals to become acceptable. Orbit's proposal was thus excluded from the competitive range, which included the remaining three offerors' proposals. This protest followed.

Orbit does not challenge the agency's evaluation of its proposal but asserts that the deficiencies and weaknesses identified in its proposal can be corrected without major effort. In this regard, Orbit argues that most of the deficiencies or weaknesses identified in its proposal are informational deficiencies.⁴

An offeror must submit an initial proposal that is adequately written and that affirmatively states its merits, or run the risk of having its proposal rejected as technically unacceptable. Defense Group, Inc., B-253795, Oct. 25, 1993, 94-1 CPD ¶ 196. Generally, offers that are technically unacceptable as submitted and would require major revisions to become acceptable are not required to be included in the competitive range for discussion purposes. Engineering & Computation, Inc., B-258728, Jan. 31, 1995, 95-1 CPD ¶ 155. In reviewing whether a proposal was properly rejected as technically unacceptable for informational deficiencies, we examine the record to determine, among other things, whether the RFP called for detailed information and the nature of the informational deficiencies—for example, whether the deficiencies tend to show that the offeror did not understand what it would be required to do under the contract. Id.

Here, we find reasonable the agency's exclusion of Orbit's proposal from the competitive range. The RFP required offerors to provide sufficient information to demonstrate that the proposed system satisfied the RFP's specifications. The RFP also required offerors to provide sufficient price/cost information to establish the reasonableness, realism, and completeness of the offeror's proposed price. Orbit failed to satisfy any of these requirements. As noted above, Orbit's proposal was evaluated as containing 78 deficiencies and weaknesses, essentially because Orbit failed to provide information showing compliance with significant specification requirements and in some instances, offered noncompliant equipment. While Orbit argues that all of the evaluated deficiencies and weaknesses are correctable, the

⁴Orbit acknowledges that its proposed power supply for the UUT stimulus generator system is not compliant with the RFP's specifications, but asserts without proof that this deficiency is also easily correctable.

number and magnitude of Orbit's deficiencies and weaknesses support the Air Force's judgment that major revisions to Orbit's proposal would be required to demonstrate Orbit's compliance with the RFP's requirements.⁵ Also, as pointed out by the Air Force, the extensiveness of the deficiencies in Orbit's proposal calls into question Orbit's understanding of the contract requirements. Given the extensiveness of the evaluated deficiencies and weaknesses in Orbit's proposal (which Orbit does not contest), we agree with the Air Force that correction of Orbit's proposal would necessitate a major proposal revision. Under these circumstances, the agency was not required to include Orbit's unacceptable proposal in the competitive range.

The protest is denied.

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⁵Orbit also argues that the number of informational deficiencies in its proposal is understandable given the RFP's page limitations. Orbit, however, did not protest the solicitation's page limitations. In any event, we find from our review of Orbit's technical proposal that Orbit did not even use all the pages to which it was entitled under the RFP.