**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: AlliedSignal, Inc.

File: B-272290; B-272290.2

Date: September 13, 1996

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Norman A. Steiger, Esq., Goldberg & Connolly, for Miltope Corporation, an intervenor.
Major David P. Harney, JAGC, and Dalford R.V. Widner, Esq., Department of the Army, for the agency.
Andrew T. Pogany, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Contracting agency is responsible for evaluating the data submitted by an offeror and ascertaining if it provides sufficient information as required by the solicitation to determine the technical conformance or acceptability of the offeror's proposed item; the General Accounting Office will not disturb this technical determination unless it is shown to be unreasonable.

2. Adjectival ratings, like point scores, are used as a guideline for intelligent decision-making by source selection officials; award should not and need not be based solely on these ratings or scores. A selection should reflect the procuring agency's considered judgment of whether significant technical differences exist in the proposals that identify a particular technical proposal as superior regardless of close technical scores or adjectival ratings among proposals.

DECISION

AlliedSignal, Inc. protests the award of a contract to Miltope Corporation under request for proposals (RFP) No. DAAH01-96-R-0029, issued by the U.S. Army Missile Command, Redstone Arsenal, Alabama, for the Soldier's Portable On-system Repair Tool (SPORT), a portable, electronic, interactive maintenance device to test weapon systems. The protester contends that the agency misevaluated Miltope's technical proposal which allegedly failed to contain sufficiently detailed technical information

concerning the proposed weight of a major component of the SPORT, the Controller/Diagnostic Aid (CDA).[1]

We deny the protest.

The SPORT is comprised of two major components, the CDA and the instrumentation expansion chassis. The CDA, essentially a small computer, operates as a portable maintenance device to access electronic and interactive technical manuals. The expansion chassis augments CDA capability by allowing use of additional bus or instrumentation cards. The CDA is detachable from the expansion chassis and is capable of controlling the expansion chassis. Both the CDA and the chassis are required to be "ruggedized" to withstand the physical environment of forward battle areas. The SPORT will have the capability to test weapon systems, such as the Abrams Tank, Patriot, and Paladin systems, and is the next generation of contact test sets which is an item comprised of commercially available circuit cards packaged into a rugged chassis that is currently in use. The concept for this requirement, the SPORT, is identical--the contractor is expected to integrate and package existing commercial off-the-shelf (COTS) components and products to develop, test, and deliver the SPORT.

The RFP, issued on October 31, 1995, contemplated a fixed-price, indefinite quantity contract. Section M of the RFP stated that the "end item is the obtaining of commercially available (modified to the minimum extent possible) state-of-the-art technology." The RFP provided that award would be made to the responsible offeror whose proposal was determined to offer the best value to the government, price and other factors considered, and that award could be made to other than the lowest-evaluated offeror. The RFP stated that three areas would be evaluated: technical, performance risk (with possible ratings of high, moderate, and low risk), and price. Technical was stated to be the most important area and was slightly more important than price which, in turn, was moderately more important than performance risk.[2] The technical area was divided into three equally weighted "elements." The first element was engineering approach, under which the agency would evaluate the extent to which an offeror's proposal exceeds specifications, "excluding the [CDA] weight and test approach [which] will be evaluated separately," the extent to which the offeror's proposed approach is workable and

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[1]In its comments, the protester has abandoned all other issues initially raised in its original and supplemental protests. See Fisons Instruments, Inc., B-261371, July 18, 1995, 95-2 CPD ¶ 31.

[2]The agency's source selection plan (SSP) assigned the following weights to the three areas: technical (45 percent); price (35 percent); and performance risk (20 percent).

achievable, the extent to which successful performance is not contingent upon untried and unproved devices and techniques, and the offeror's schedule.[3]

The second element under the technical area was the proposed weight of the CDA. The RFP stated as follows:

> "(2) CDA Weight - The government will evaluate the extent to which the offeror's proposal exceeds the CDA weight requirement as specified [in the SPORT specification]. A weight of 13-15 pounds will receive a satisfactory rating, 11-12 pounds a very good rating, and 10 pounds or less an outstanding rating."

The third element in the technical area, not relevant here, was test approach. Additionally, the RFP advised offerors that proposal risk would be evaluated as follows:

> "Proposal risk is defined as the risks associated with an offeror's proposed approach for meeting [the requirements and is] integrated into the rating of each specific area, element, and factor excluding performance risk. [Proposal risk may include an] apparent lack of a full understanding of the government's requirement as evidenced by the offeror's proposed approach and/or supporting rationale [or] inconsistencies between an offeror's technical and price proposals."

Finally, the RFP advised that proposed technical features in each proposal that the government deemed advantageous (such as those exceeding minimum requirements of the specifications) may be incorporated as contract requirements upon award.[4]

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[3]The protester notes that section L of the RFP provided as follows:

> "Section 2 - Engineering Approach. The Technical Proposal Engineering Approach section shall present information adequate to demonstrate [that] the engineering approach is workable and the end result is achievable [and that] successful performance is not contingent upon untried and unproved devices and techniques." (Emphasis supplied by the protester.)

[4]Section H-8 of the RFP, "Special Notice," stated that "[t]echnical aspects of an offeror's proposal and upon which award may be based, may be incorporated as a part of the resultant contract."

The agency received 12 proposals by December 21, 1995, the closing date for receipt of initial proposals. Six offers, including the protester's and Miltope's, remained in the competitive range after initial and interim evaluations and following the receipt of proposal revisions. As relevant here, Miltope proposed an "absolute" weight for the CDA of 9 pounds and received an "outstanding" rating for this feature with moderate risk because a breakdown of individual weights of existing COTS components was not provided; the protester proposed a CDA weight of [deleted] and received a [deleted] rating with [deleted] risk. Aside from Miltope, two other offerors proposed CDA weights in the "outstanding" category (8.85 and 9.13 pounds). In fact, all but one competitive range offeror offered lighter weight CDAs than did the protester. Miltope was advised by the agency during discussions that 11 technical features, including the CDA weight of 9 pounds, "would be incorporated as a part of any resultant contract." After discussions were concluded, best and final offers (BAFO) were received and evaluated with the following results.[5]

Offeror	Technical/ Proposal Risk	Performance Risk	Price
Miltope	Very Good/Low[6]	Low	$119,946,680
Allied	[deleted]	[deleted]	$[deleted]

The source selection authority (SSA) made a determination to award the contract to Miltope as the firm whose proposal represented the best value to the government. In doing so, the SSA did not rely solely on the basis of Miltope's proposed CDA weight, but also on the following additional advantages of Miltope's technical proposal, among others, which were not proposed by the protester: (1) an internal

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[5]We limit our discussion to the proposals of the protester and Miltope. The agency's SSP employed adjectival ratings for all evaluation areas except cost of "outstanding" ("unique approach [with] extensive detail [and] very low risk"); "very good" (an approach with "adequate detail" with a low to moderate degree of risk); "satisfactory" (an approach with "minimum detail" with a low to moderate degree of risk); "poor" (an approach with "minor errors, omissions or deficiencies" with significant risk); and (5) "unacceptable" (major errors, omissions or deficiencies with very high risk).

[6]In the technical area, Miltope received a "very good/low risk" in its engineering approach; Allied received a "[deleted]." In CDA weight, Miltope received an "outstanding/moderate risk," and Allied received a "[deleted]." The protester notes that the "moderate risk" rating given to Miltope for its proposed CDA weight reflected a finding by the agency that "no detailed weight analysis was provided" by the firm.

hard disk drive of 720 Mbytes, allowing the government additional disk drive space to store more applications; (2) monochrome display contrast ratio of 55:1 at an illumination of 100 foot-candles, and 19:1 at 5,000 foot-candles, which significantly exceeded RFP requirements; (3) interactive authoring and display system for use in development of interactive manuals; and (4) CDA processor speed of 100Mhz, which will provide the capability to efficiently display complex, high resolution graphics and to perform multi-tasking operations.

The protester argues that Miltope, by not breaking down the individual weights of each of its COTS CDA components, failed to present information adequate to demonstrate that its approach is workable and the end result achievable. According to the protester, Miltope's only "demonstration" regarding its claim of a CDA weight of 9 pounds was a wholly unsupported statement that "[t]he product weight is absolute, based on actual units (previously shown in figure 3-2)." The protester states that Figure 3.2 is only an "artist rendering of Miltope's CDA unit with a list of its features" and nowhere in its proposal "does a photograph or any other evidence appear showing any 'actual units' which Miltope ever produced." The protester also argues that the SSP permitted an "outstanding" rating to be awarded only if that offeror's proposal provided "extensive detail" to indicate the feasibility of its technical approach. The protester therefore states that Miltope was not entitled to an "outstanding" rating for CDA weight because this weight was unsupported with substantial evidence in its proposal and was based on a bare promise. Finally, the protester states that had Miltope received a score of "satisfactory" on its CDA weight element (reflecting an evaluation finding of "minimum detail"), both firms would have received the same adjectival ratings in all areas, and the protester would have been entitled to award as the low, technically equal offeror.

A contracting agency is responsible for evaluating the data submitted by an offeror and ascertaining if it provides sufficient information as required by the solicitation to determine the technical conformance or acceptability of the offeror's item; we will not disturb this technical determination unless it is shown to be unreasonable. See Inframetrics, Inc., B-257400, Sept. 30, 1994, 94-2 CPD ¶ 138; SAIC Computer Sys., B-258431.2, Mar. 13, 1995, 95-1 CPD ¶ 156.

The RFP here specified that a CDA weight of 10 pounds or less would merit an "outstanding" rating, a weight of 11 to 12 pounds would merit a "very good" rating, and a weight of 13 to 15 pounds would receive a satisfactory rating. In awarding Miltope an outstanding rating, the agency did not rely on a bare promise from Miltope. Miltope's proposal indicated that the item was a highly integrated (340 cubic inches) lightweight solution of 9 pounds when configured to the SPORT specification and that the "product weight is absolute, based on actual units (previously shown in Figure 3-2)." Miltope's proposal also contained a modular design drawing of the item (Figure 2-4), showing its various components, with a picture of the unit distinctively labeled as "Photo of CDA."

The agency's technical experts further explain that they were very familiar with existing COTS components. The chairman of the evaluation committee states as follows:

> "Manufacturers [were] given [by Miltope] for some of the components, thus, exact weights could have been verified for these components. While other components do not specify a manufacturer, common industry standards are specified which allow [agency experts] to make reasonable assumptions about the weight of the components of the CDA. For example, the [technical experts] know about how much a 2.5 inch disk drive weighs as they are very common and made by many manufacturers. This is also true of the 5.25" ISO Standard CD-ROM drive. . . . So much of the CDA is COTS and governed by industry standards that exact model numbers and manufacturers of components were not needed to make Miltope's proposed CDA weight credible to the [technical experts]."

We think Miltope's proposal provided a basis for the evaluators to reasonably conclude that Miltope had provided adequate information to support its proposed 9-pound CDA. Miltope's proposal of a 9-pound unit was not unusual or extraordinary; as stated above, the agency received three offers of approximately that weight. Further, the components of Miltope's unit were commercially available, and the agency was well aware of the general industry-standard weights for the components. Miltope's proposal broke down the components (drawings and modular designs were included in its proposal) and identified some components by make and model number. Additionally, Miltope made a specific factual representation that its proposed weight was based on the "absolute" weight of "actual units," which can only be reasonably interpreted as a factual representation that Miltope had identified and purchased the components, assembled the unit, and established its weight. Indeed, Miltope even furnished a photograph of the assembled unit. We therefore conclude that the agency reasonably determined, based in part on its own technical expertise, that "adequate information" had been provided by Miltope in this COTS procurement. We also note that Miltope readily agreed to legally bind itself to provide a 9-pound unit by incorporating this feature into the resulting contract.

Concerning the protester's arguments about the SSP, a contracting agency's failure to follow an SSP does not provide a basis for questioning the validity of an award selection because the SSP is an internal agency instruction and, as such, does not give outside parties any rights. See Johnson Controls World Servs., Inc., 72 Comp. Gen. 91 (1993), 93-1 CPD ¶ 72.

Finally, we note that even if, as the protester argues, both firms should have received identical adjectival ratings in all technical areas, this would not necessarily mean that the agency had to view the offerors as essentially technically equal and award to the low offeror. Adjectival ratings, like point scores, are used as a guideline for intelligent decision-making by source selection officials; award should not and need not be based solely on these ratings or scores. Rather, a selection should reflect the procuring agency's considered judgment of whether significant technical differences exist in the proposals that identify a particular proposal as technically superior regardless of close scores or ratings among proposals. See generally RCA Serv. Co., B-208871, Aug. 22, 1983, 83-2 CPD ¶ 221; Sperry Flight Sys., B-212229, Jan. 19, 1984, 84-1 CPD ¶ 82. Here, the agency specifically determined that Miltope proposed a technically superior proposal in many technical areas other than CDA weight. The protester has failed to challenge these findings by the agency. Accordingly, even if Miltope should have received only a "satisfactory" rating for its CDA weight, we would still have no basis to disturb the selection decision given the clear findings by the agency of the technical superiority of the Miltope proposal in other important technical areas.

The protest is denied.

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