



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

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Matter of: Roy F. Weston, Inc.

File: B-274945, B-274945.2; B-274945.3

Date: January 15, 1997

Marcia G. Madsen, Esq., and David F. Dowd, Esq., Miller & Chevalier, for the protester.

Paul Shnitzer, Esq., and Mark D. Taylor, Esq., Crowell & Moring, for Booz-Allen & Hamilton, an intervenor.

Gena E. Cadieux, Esq., and Paul A. Gervas, Esq., Department of Energy, for the agency.

Jacqueline Maeder, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that agency improperly evaluated technical proposals is denied where the record shows that the evaluation was reasonable and consistent with the stated evaluation factors; protester's mere disagreement with the agency's conclusion does not render the evaluation unreasonable.
2. Protest that agency did not conduct meaningful discussions because it failed to advise the protester of two weaknesses in its proposal and failed to inform the protester that the agency did not obtain additional information on the protester's prior contracts is denied where the allegation concerning one weakness is factually incorrect, the protester fails to demonstrate how it was prejudiced by the agency's alleged failure to obtain additional information, and the protester was not adversely affected by one poorly worded discussion question regarding a minor weakness.
3. Agency reasonably used a cost realism analysis approach based on revised labor estimates reflecting an average of proposed composite labor rates.

4. Under a solicitation in which technical factors were more important than price, a cost/technical tradeoff which resulted in selection of the awardee on the basis of its overall technical superiority, notwithstanding its higher price, is unobjectionable and consistent with the evaluation scheme where the agency reasonably determined that the awardee's higher-priced proposal, which offered superior key personnel, program management, and technical approach, was worth the associated additional cost.

DECISION

Roy F. Weston, Inc. protests the award of a contract to Booz-Allen & Hamilton under request for proposals (RFP) No. DE-RP01-95RW00312, issued by the Department of Energy (DOE) for management and technical services to support DOE's Office of Civilian Radioactive Waste Management (OCRWM).¹ Weston has raised a number of objections to the award.² Most significantly, the protester challenges the agency's evaluation of technical and cost proposals, the conduct of discussions, and the source selection decision.³

¹OCRWM is charged with the disposal of high-level radioactive waste and is responsible for the development of repositories for the permanent disposal of high-level radioactive waste and spent nuclear fuel, including development of interim storage and transportation capabilities in a manner that fully protects public health and safety and the quality of the environment.

²In its several submissions to this Office, Weston raised a wide range of arguments and examples to support its allegations that the evaluation and award decision were unreasonable and unfair; DOE responded to each argument, justifying its actions during each phase of the procurement; the awardee responded as well. We have reviewed the entire record, including all evaluation and award decision documents, and find no basis for sustaining the protest. However, we will discuss only the more significant arguments in this decision.

³As a preliminary matter, Weston also alleges that DOE's evaluation was not solely based on the RFP and the content of the proposals submitted, but was impermissibly influenced by the hostile atmosphere toward Weston at OCRWM. To support its allegation of a hostile atmosphere, Weston alleges that the agency's Inspector General (IG) is conducting an investigation into alleged derogatory or pejorative statements made by high level OCRWM officials within the last 2 years. Weston submitted an affidavit to our Office in which one of its employees states that she was informed of the investigation by a DOE employee.

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The protests are denied.

The RFP, issued August 3, 1995, provides for the award of a cost-plus-fixed-fee, level-of-effort, task assignment type contract for a 2-year base period with three 1-year options. The successful offeror is to provide management and technical support services for OCRWM staff at DOE Headquarters in Washington, D.C. and at the Yucca Mountain Site Characterization Office in Las Vegas, Nevada.⁴ The statement of work (SOW) informed offerors that the required total level of effort was 219,480 direct productive labor hours (DPLH) per year for a total of 1,097,400 hours in 41 labor categories. Half of the DPLH were to be provided at DOE Headquarters and half at the Las Vegas office.

The RFP called for the submissions of separate technical and cost/price proposals. The technical proposal was of significantly greater importance than the cost proposal. The RFP provided that award would be made to the offeror whose proposal, conforming to the solicitation, was determined to be most advantageous to the government. The RFP identified the following evaluation factors and subfactors:

1. Past Performance
2. Personnel
 - a. Key Personnel
 - b. Support Staff

³(...continued)

The procuring agency, which indicates that it is not aware of any pending IG investigation, points out that the protester's allegations are vague, indefinite and unsupported and has submitted a rebuttal affidavit in which the DOE employee alleged to have informed the Weston employee about the investigation states that he merely told the Weston employee that he "had heard hallway talk" about an investigation and that he was only passing on a "rumor."

There is nothing in the record to support Weston's allegations that the evaluation was not based on the RFP and the proposals. In any event, our decision is not based on an investigation, and our Office is not privy to whatever information may be before DOE's IG. Our decision is based on a review of the written record presented to our Office by the parties. Complere Inc., B-257946, Nov. 23, 1994, 94-2 CPD ¶ 207.

⁴The protester is the incumbent contractor providing support to OCRWM at DOE Headquarters. TRW Environmental Safety Services, Inc. is currently providing support services at the Las Vegas office.

3. Technical Approach and Understanding of the Work
4. Program Management and Responsiveness⁵

Offerors were also informed that proposals would be evaluated to determine the probable cost to the government. The solicitation advised that the government would determine if the compensation plans and professional salary rates and benefits that offers were to submit reflected a sound management approach and understanding of the contract requirements.

Three proposals were received, including those of Weston and Booz-Allen, by the September 15 closing date. The proposals were reviewed individually by each of the four members of the technical evaluation committee (TEC). Each TEC member prepared individual lists of significant and minor strengths and significant and minor weaknesses for each proposal.⁶ The evaluators then met, discussed their findings and created a consensus list of significant and minor strengths and significant and minor weaknesses for each proposal. Based on the consensus list,⁷ the evaluators

⁵Past performance and personnel were each weighted 35 percent of the evaluation. Within personnel, key personnel was weighted 20 percent and support staff was weighted 15 percent of the evaluation. Technical approach/understanding of the work and program management and responsiveness were each weighted 15 percent.

⁶A strength was defined as an aspect of a proposal that, when compared to the stated evaluation criterion, appears to positively affect the probability of successful performance of the contract. A significant strength is likely to have other than only a minor effect on performance; a minor strength is likely to have little or no impact on performance. A weakness was defined as an aspect of a proposal that, when compared to the stated evaluation criterion, appears to negatively affect the probability of successful performance on the contract. A significant weakness is likely to have more than only a minor effect on performance and may be correctable with difficulty; a minor weakness is likely to have little or no impact on performance and is easily correctable. Several minor weaknesses within a criterion may create a significant weakness.

⁷Weston argues that DOE's consensus evaluation is inconsistent with the evaluation of individual members. Weston bases this allegation on the individual evaluation records of the one TEC member who retained his individual records. Because this individual's scores are sometimes more favorable toward Weston than the consensus scores, Weston argues that the consensus evaluation is "unfounded and unreasonable."

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rated each factor and subfactor using adjectival ratings and corresponding point values on a scale of 0 to 10 (10 for outstanding; 8 for good; 5 for adequate; 2 for poor; and 0 for unacceptable).⁸ The numerical rating was multiplied by the weight for the factor and the scores for each factor were totaled. A proposal that received all outstanding ratings would receive a maximum point score of 1,000.

The cost evaluator performed a preliminary cost review and the initial TEC report and preliminary cost analysis were used to determine the competitive range. Only the proposals submitted by Weston and Booz-Allen were included in the competitive range.

DOE held written discussions with Weston and Booz-Allen and on July 12 requested best and final offers (BAFO). The TEC reviewed the BAFOs and the contract specialist performed a cost evaluation, which included the results of audits by the

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There is nothing in the record to support this allegation; individual evaluators may have evaluation results inconsistent with those of other evaluation team members. Such inconsistencies do not provide a basis to challenge the validity of the evaluation. Stat-a-Matrix, Inc. et al., B-234141 et al., May 17, 1989, 89-1 CPD ¶ 472.

Here, the agency's evaluation plan emphasized that TEC members were to make a serious effort to reach a consensus; a shift in position by individual evaluators is inherent in the consensus process. Moreover, the individual evaluator whose records were retained states in an affidavit to our Office that his "views . . . were taken into account." The evaluator suggest that Weston has selectively highlighted portions of his evaluation and that this selectivity incorrectly conveys the idea that his evaluation is significantly different from the consensus. He states that the TEC reached a common consensus on the strengths and weaknesses and on the rating to be assigned.

⁸The adjectival ratings were also defined in detail. For example, an "outstanding" rating indicated that the proposal meets all, and clearly exceeds most performance requirements for the evaluated criterion or subcriterion, demonstrates significant strengths, no significant weaknesses and few, if any, minor weaknesses that have no impact on performance. A "good" rating indicates that the proposal meets all and exceeds several performance requirements, demonstrates significant strengths, few, if any, significant weaknesses that may be correctable and few, if any, minor weaknesses that may or may not be correctable. An "adequate" rating indicates that the proposal meets all performance requirements, demonstrates few, if any, significant strengths, demonstrates significant weaknesses that can be corrected and minor weaknesses that may or may not be corrected.

Defense Contract Audit Agency (DCAA) of offerors and their proposed subcontractors. The TEC awarded the following scores for the proposals:

	Maximum	Weston	Booz-Allen
Past Performance	350	280	280
Personnel			
a. key personnel	200	100	160
b. support staff	150	150	150
Technical approach Understanding	150	120	150
Program Mgmt. Responsiveness	150	120	150
Total	1,000	770	890

Weston proposed a total cost plus fixed fee of [deleted] while Booz-Allen proposed a total cost plus fixed fee of \$65,605,862. As a result of the agency cost realism evaluation, the agency estimated Weston's cost plus fixed fee to be [deleted] and Booz-Allen's to be \$68,784,147. Based on the evaluation and cost analysis, the source selection official awarded the contract to Booz-Allen on September 20.

Weston challenges the evaluation of its proposal under each of the evaluation factors, the cost analysis and the cost technical tradeoff resulting in the selection of Booz-Allen.

TECHNICAL EVALUATION

Past Performance

The RFP instructed each offeror to submit for itself and for each of its proposed major subcontractors⁹ a list of its five most recent contracts and/or subcontracts completed within the last 3 years that were similar in size, scope and complexity to that required by the statement of work (SOW) and all contracts and subcontracts that were currently in process that are similar in size, scope and complexity to that required by the SOW. The offeror was also to provide information on any problems

⁹A major subcontractor was defined as a subcontractor that would perform 25 percent or more of the total DPLH for the contract.

encountered on the contracts and subcontracts identified and corrective actions taken and to describe any quality awards or certifications that indicate high-quality products or services. The RFP informed offerors that the agency might send past performance questionnaires to some or all of the references identified by the offeror.

The RFP stated at section M that offerors would be evaluated on their performance on prior or in-process contracts and subcontracts for similar services in the following areas: (1) quality of product or service; (2) timeliness of performance; (3) cost control; and (4) customer satisfaction. The evaluation would focus on demonstrated quality of performance relative to the size, scope and complexity of the procurement under consideration, the number and severity of problems and the effectiveness of the offeror's corrective actions.

For the purposes of evaluation, definitions of size, scope and complexity were given to the TEC. Size was defined as performance analogous to the dollar amount of costs incurred. In practice, the agency states that although there was not a "bright line cutoff" concerning size, a contract cost of approximately \$9 to \$10 million per year was considered equivalent. Scope meant the type of work similar to the work described in the SOW. The TEC evaluated similarity of scope by comparing the identified contract or subcontract with the seven work areas identified in the SOW: (1) management and planning; (2) policy development and coordination; (3) product development; (4) analysis and review; (5) human resource management; (6) financial management; and, (7) general management support. Complexity meant the extent and degree that contracts or subcontracts demonstrated a similar myriad of tasks involving similar degrees of difficulty in the performance of the work.

Each contract or subcontract listed by an offeror was evaluated in six areas: (1) quality of product/service, including timeliness, cost control, and customer satisfaction; (2) problems encountered and corrective actions taken; (3) awards; (4) size; (5) scope; and (6) complexity.

In its proposal, Booz-Allen listed six past contracts¹⁰ and five in-process contracts; Weston listed 10 past contracts¹¹ and eight in-process contracts. The TEC noted that Weston is the current contractor to OCRWM Headquarters and thus has experience in almost all areas of the SOW. The TEC noted that Booz-Allen had an

¹⁰One of Booz-Allen's completed contracts was not completed within the past 3 years as required by the RFP and was not evaluated.

¹¹Initially, Weston listed five past contracts for itself and its major subcontractor, [deleted]. An additional five contracts were identified in Weston's BAFO. Booz-Allen did not propose a major subcontractor for this contract.

Environmental Protection Agency (EPA) contract in which it provided support to EPA Headquarters and 10 regional offices--a work requirement similar to the requirement under this solicitation. Also, Booz-Allen had received two "Hammer" awards and numerous other awards. The TEC found that both offerors met all and exceeded some of the past performance evaluation criteria. Both were rated "good," with weighted point scores of 280 under this factor.

Weston argues that DOE misevaluated past performance and applied unstated evaluation criteria. Specifically, Weston argues that the RFP required that DOE first determine whether an identified contract was similar in size, scope and complexity and then, assuming the identified contract was similar in all three respects, to evaluate the offeror's performance on that contract. Because DOE considered each identified contract performed within the requisite time frame with respect to each of the six areas set forth above individually, including size, scope and complexity, the protester argues that DOE evaluated experience in addition to past performance, which was not contemplated by the solicitation.

Weston also argues that the factors of quality of product or service, timeliness of performance, cost control and customer satisfaction were improperly grouped into one factor for the purposes of evaluation and thus not accorded their proper weight.

Finally, Weston argues that DOE failed to consider whether the contract evaluated encompassed hazardous material and/or radioactive waste. The protester argues that the term "similar services" used in section M of the solicitation can only mean contracts dealing with hazardous materials and/or radioactive waste. The protester complains that by ignoring this relevancy requirement and by merely counting the number of strengths and weaknesses assigned to size, scope, and complexity, DOE failed to consider the interrelationship between these factors and "similar services," as required by the RFP and thus improperly credited Booz-Allen on this factor, citing, as an example, a Booz-Allen contract for the construction of railroads.

Weston's insistence that the term "size, scope and complexity" used in the RFP required that an offeror's past performance on a contract not be evaluated unless the contract was equivalent based on all three factors is not supported by the RFP language. The RFP does not state, as the protester suggests, that a contract would not be considered if it were not equivalent to the anticipated contract under all three factors. Rather, the language in section M states that the quality of performance on prior contracts would be measured relative to the size, scope, and complexity of the prior procurements. The more general requirement that offerors furnish a list of contracts similar in size, scope and complexity must be read in conjunction with the provision setting forth how the agency would evaluate past

performance. When the two provisions are read together,¹² the only reasonable reading of them is that the past performance evaluation would take into account the size, the scope, and the complexity of each prior contract. Indeed, if the RFP meant what Weston alleges, there would be no need for the provision stating that the agency would evaluate past performance relative to size, scope and complexity. Accordingly, the protester's allegation that the agency, by using this evaluation methodology, has improperly evaluated experience with past performance is without merit.

We disagree with the protester that the agency improperly weighted quality of product/service, timeliness, cost control and customer satisfaction. As noted above, the RFP listed these four areas as considerations in its evaluation of past performance. Contrary to Weston's assertions, there is nothing in the RFP to support its claim that these considerations are subfactors or to indicate the importance assigned to these considerations by the agency. An agency has wide discretion in how it will structure its evaluation and our Office will not question an agency's evaluation so long as it is reasonable and follows the stated evaluation criteria. Pathology Assocs., Inc., 69 Comp. Gen. 269 (1990), 90-1 CPD ¶ 292. Here, the TEC considered product/service quality, timeliness, cost control and customer satisfaction, noting significant/minor strengths and weaknesses for each, and then consolidated the ratings into a collective rating. This approach is not contrary to anything in the RFP. Therefore, notwithstanding Weston's disagreement, we find no reason to object to the agency's methodology in this regard.

As to Weston's allegation that DOE failed to evaluate past and current contracts for their relevance to hazardous material and radioactive waste, the agency takes the position that the solicitation did not require that offerors provide evidence of contracts in hazardous materials and radioactive waste. We agree. When the instructions in section L of the solicitation and the evaluation criteria in section M are considered together, it is plain that the agency intended to consider all experiences related to the work requirements of the SOW. The SOW listed the seven work areas noted above. Thus, offerors could submit, as did Booz-Allen, and the agency could properly credit, contracts concerning "similar" work, for example, in management and planning, human resources management, and financial management. Since the RFP allowed for consideration of "similar" work and the agency defined "similar" work as the seven work areas outlined in the SOW, Booz-Allen's experience is relevant, and the agency's evaluation is unobjectionable. Weston's contentions to the contrary merely reflect disagreement with the agency's

¹²To the extent Weston sees these provisions as inconsistent, Weston should have protested the inconsistency prior to the time set for receipt of initial proposals. Bid Protest Regulations, section 21.2(a)(1), 61 Fed. Reg. 39039, 39043 (July 26, 1996) (to be codified at 4 C.F.R. § 21.2(a)(1)).

evaluation, which does not render the evaluation unreasonable.¹³ Cardinal Scientific, Inc., B-270309, Feb. 12, 1996, 96-1 CPD ¶ 70.

Finally, we do not agree with Weston's contention that the agency merely counted the number of strengths and weaknesses assigned to size, scope and complexity and failed to consider the interrelationship between these factors and "similar services." Indeed, there is no comprehensive computation of Weston's or Booz-Allen's past performance strengths and weaknesses in the evaluation documents. Contrary to the protester's assertion, the evaluation was not merely a mechanical assessment of each offerors' strengths and weaknesses on the various factors, but an assessment of quality relative to the seven work areas listed in the SOW and to size, scope and complexity. Moreover, the protester complains about DOE's alleged failure to evaluate the interrelationship between size, scope and complexity in terms of relevancy to experience with hazardous material and/or radioactive waste. As discussed above, experience with hazardous material and radioactive waste was not specifically evaluated under this factor.

Personnel

Weston next argues that DOE improperly evaluated the skills and experience of seven of its proposed key personnel and that DOE did not evaluate its and Booz-Allen's proposed key personnel in a fair and even-handed manner. We have reviewed the evaluation record and the proposals, including the resumes submitted with each proposal, and we conclude that the evaluation under the personnel factor, with the exceptions noted below, was reasonable and consistent with the RFP.

The solicitation required that each offeror submit resumes for four senior management positions and 15 task leaders (one task leader for each of 15 job areas). The offeror was to identify the labor category for each task leader. Specific education and experience requirements were set forth in the solicitation for each labor category. Additionally, "preferences" as to education and experience were listed for some labor categories.

The agency used the same rating plan and definitions in evaluating personnel as it used in evaluating past performance; that is, proposed personnel were evaluated as demonstrating significant/minor strengths or weaknesses in relation to the evaluation criteria. To determine a final rating for a candidate, the agency used a

¹³In its objections to DOE's past performance evaluation, Weston also complains that the agency failed to obtain information from identified references as required by the RFP. The solicitation, however, stated only that DOE "may" contact "some or all of the references identified by the offeror." There was no obligation that the agency contact all, or any particular number of, references.

complex evaluation plan, pegged to the identified strengths, weaknesses, requirements and preferences. The plan included five categories: outstanding, good, adequate, poor and unacceptable.¹⁴ The TEC rated Weston's proposal "adequate" for key personnel, with a weighted point score of 100. Booz-Allen's proposal received a "good" rating, with a weighted point score of 160.

Weston alleges that for three of its proposed key personnel DOE, among other things, improperly treated preferences in educational background and experience as if they were requirements and therefore assigned Weston's proposed personnel weaknesses for meeting but not exceeding the requirements specified in the RFP.

As noted above, for several labor categories, the RFP listed preferences in educational background or experience. For example, the RFP states, for assistant manager, waste acceptance, storage and transportation, that DOE "requires a Bachelors degree from an accredited college or university, preferably in a technical field." Although DOE would accept a candidate with a Bachelor's degree in any field, the RFP makes clear that the agency would rather have someone with a Bachelor's degree in a technical field. Similarly, for human resource management specialist, the RFP specifies that DOE requires a Bachelor's degree, preferably in a business-related field; for strategic planning/policy analyst, the RFP states that DOE requires a Bachelor's degree but that a scientific or engineering degree is preferred. Obviously, while a candidate meeting the minimum requirement would be acceptable, the agency would reasonably consider such a candidate relatively weak when compared to a candidate with the preferred credentials. Regardless, however, of whether Weston's proposed personnel should have been formally assigned weaknesses, the overall evaluation for its key personnel would not change. Under the agency's evaluation approach, if Weston's three minor weaknesses in the area were replaced with the higher, neutral ratings, Weston's overall adequate rating would not increase.

Weston also challenges other aspects of the evaluation of its personnel. Based on our review of the record, including the resumes submitted, we find that, with two

¹⁴To receive an outstanding rating, a candidate had to meet all and clearly exceed most performance requirements, demonstrate significant strengths and no significant weaknesses, and demonstrate few minor weaknesses that have no impact on performance. To receive a good rating, a candidate had to meet all and exceed several performance requirements, demonstrate significant strengths and few, if any, significant weaknesses that may be correctable and demonstrate few, if any, minor weaknesses which may or may not be correctable. To receive an adequate rating, a candidate had to meet all the performance requirements, demonstrate few, if any, significant strengths, demonstrate significant weaknesses that could be corrected and demonstrate minor weaknesses that may or may not be correctable.

exceptions,¹⁵ the evaluation was reasonable and consistent with the stated evaluation criteria. For example, Weston challenges the evaluation of its proposed assistant manager for waste acceptance, storage, and transportation. DOE found that Weston's proposed assistant manager did not demonstrate that he met the 3-year management experience requirement for a project of similar magnitude and complexity. Weston argues that its candidate is serving in this position under its current contract and his position is "nearly identical" to the position proposed. DOE apparently believes that, because the work under the solicitation includes the Las Vegas site, the assistant manager's current position is not of the same magnitude or complexity as the position under the solicitation. Since, presumably, inclusion of the Las Vegas site will result in responsibility for managing additional personnel, a significantly increased work load, and the need for increased coordination, DOE's position appears to be reasonable.

Weston also alleges that DOE evaluated Booz-Allen's proposed personnel more favorably than it evaluated Weston's proposed personnel. To support its position, Weston compares the evaluations of each of the offerors on three positions. For example, Weston challenges the evaluation of its and Booz-Allen's proposed task leader for administration. Weston alleges that, while its proposed candidate was required to have extensive experience with budgeting, Booz-Allen's proposed candidate has no budgeting experience.

The agency explains that Booz-Allen's task leader for administration was proposed in the labor category of information management specialist. The RFP for this labor category did not require budgeting experience. Rather, the requirements for this labor category focused on information resource management experience and skills. The protester alleges that these "fine distinctions" between task leader and position descriptions for labor categories do not justify the different evaluations.

Weston's argument that DOE improperly relies on distinctions between labor categories is without merit. Proposed personnel were evaluated on their qualifications within their specific labor category, not on task leadership per se.¹⁶

¹⁵In our review, we found that the agency improperly downgraded Weston's proposed task leader for environmental and operational activities and its proposed task leader for regulatory integration. We found that the resumes for both of these individuals, contrary to DOE's assessment, demonstrated the required environmental-related experience. Our assessment of these two key positions, however, would have no effect on the technical rankings of the two offerors.

¹⁶While specific requirements for task leadership positions were not delineated in the RFP, the record shows that DOE expected that proposed personnel for task
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This is consistent with the RFP evaluation scheme. Accordingly, the fact that the two task leaders, proposed in different labor categories, were not evaluated against the same specific requirements provides no basis to object to the agency's evaluation.

Technical Approach and Program Management

Under this factor, offerors were to provide a description of their technical approach that would demonstrate their understanding of the SOW and to respond to two representative problems.¹⁷

While Weston's and Booz-Allen's evaluations on their technical approaches were equal, Booz-Allen's responses to the two representative problems received higher scores. Booz-Allen's proposal was rated "outstanding," under this factor, with a weighted score of 150; Weston's proposal was rated "good" under this factor, with a weighted score of 120.

Weston argues that DOE evaluated the offerors unequally with regard to these representative problems. Specifically, the protester alleges that, although both offerors' proposals were similar in language and approach, only its proposal was downgraded. For example, Weston notes that, for the first problem, each offeror recommended the establishment of [deleted] and that in their proposed methodology, each addressed [deleted]. Weston also complains that, although both offerors stated that [deleted], only it was downgraded for [deleted]. For the second problem, Weston complains that while it was downgraded for [deleted], Booz-Allen was highly rated even though it did not [deleted].

The agency found that while Weston's response to the first problem was clear and orderly and provided a listing of critical factors, Weston did not integrate the factors into a comprehensive, cohesive plan. DOE felt that Weston provided only

¹⁶(...continued)

leadership positions would have some experience relevant to that position, for example, a proposed task leader for environmental and operational activities would have some environmental experience and a proposed task leader for administration would have some administrative experience.

¹⁷The first problem asked offerors to discuss the factors to be considered in the development of a contingency plan in the event that the Yucca Mountain site proves to be inadequate. The second problem asked offerors to assume that DOE has been directed to take title to and manage spent nuclear fuel at utility sites not later than January 1998 and to discuss the factors to be considered and the necessary steps to implement this directive.

an unintegrated list or "bill of materials" for a plan and that, in contrast, Booz-Allen merged the technical, regulatory and political considerations. The record does not support DOE's position. Weston's response specifically stated that development of a plan should be [deleted]. Booz-Allen similarly recommended the establishment of a [deleted]. Weston also listed [deleted] specific steps necessary to implement a plan and provided an exhibit listing [deleted] alternatives and various possible impacts of an [deleted]. While Booz-Allen provided an exhibit outlining the contingency plan development process, it did not list specific steps. Finally, contrary to DOE's findings, Weston identified the relevant parties with as much specificity as did Booz-Allen. Notwithstanding this evaluation discrepancy, we cannot conclude that it had an impact on the selection decision. Under the RFP evaluation scheme, Weston would be entitled to an additional 15 points in this area. Given the large scoring differential overall, we do not believe the additional points would alter the technical rankings of the offeror or affect the selection decision.

As to Weston's concerns relating to the second problem, the record shows that, contrary to Weston's assertion, Booz-Allen did provide a [deleted] for meeting the January 1998 implementation date established in the problem. As to Weston's failure to demonstrate a [deleted] we note that its [deleted] exhibit merely divided the time frame available [deleted]. Weston provided little explanation for the [deleted]. Moreover, Weston's narrative did not [deleted]. In contrast, Booz-Allen demonstrated its awareness and concern about the short time frame by repeatedly [deleted]. While Weston disagrees with the agency's assessment of this aspect of its proposal, we find no basis to question it.

Program Management and Responsiveness

Under this factor, each offeror was to address organization, corporate responsiveness and management, and control systems. Offerors were to provide, among other things, an organizational chart, describe the lines of authority and explain how the organization would address the requirements of the SOW, show their ability to provide quick response--within 4 hours--to OCRWM requests for meetings and briefings, and describe their overall project management system. Weston's proposal was evaluated as "good" on this factor; Booz-Allen's was evaluated as "outstanding."

Again, Weston complains that DOE evaluated offerors unequally on this factor, noting that while Booz-Allen proposed a response time of between [deleted] with a draft to OCRWM within [deleted], Weston has demonstrated on the current DOE contract a response time of [deleted]. Weston also argues that, since it did not receive any weaknesses on this factor, it should have been rated "outstanding."

DOE reasonably rated Booz-Allen's proposal higher because Booz-Allen, while proposing a [deleted] response time, extensively described its plans for corporate

responsiveness, [deleted]. Weston, in contrast, provided little detail concerning the tasks to be accomplished to meet the deadline.

In response to Weston's argument that it should have received an "outstanding" rating on this factor, DOE correctly points out that Weston ignores its standard for an "outstanding" rating. As noted above, to receive an outstanding rating on a factor, the offeror's proposal must meet all and clearly exceed most performance requirements. Thus, while Weston received no weaknesses on its evaluation, this does not translate into an "outstanding" rating and, other than the protester's [deleted] response time, the protester has not provided any specific areas where it believes its evaluation should be elevated.

MEANINGFUL DISCUSSIONS

Weston also argues that the agency failed to conduct meaningful discussions because DOE never disclosed that "government experience did not qualify as experience under the RFP" and that it had not obtained additional information regarding prior and in-progress contracts, as required by the RFP.¹⁸

We find nothing in the agency report to support Weston's assertion that government experience was discounted. Indeed, in our review of the evaluation of Weston's key personnel, we found only one reference to government experience where the candidate was not given credit for the experience. However, the record shows that it was not the government experience that the agency downgraded, but the failure of that particular experience to match DOE's requirement.

As to DOE's alleged obligation to obtain information about prior contracts, the protester does not provide any specifics as to what information it believes the agency failed to obtain. While Weston asserts generally that its past performance rating would have improved had DOE obtained "information regarding Weston's performance," the protester provides no examples or any other information to substantiate this claim. Under these circumstances, we see no basis to support

¹⁸Weston also cites a discussion question that it argues was poorly written and did not inform Weston that the agency believed the experience of one of its proposed task leaders was irrelevant and unrelated to the required experience. We have reviewed the question and agree that it was inartfully worded. However, Weston concedes that this was the only question where it was difficult to discern the agency's concern. Since it is clear from the record that a rating increase on only one key personnel position would not have affected Weston's overall personnel evaluation and therefore its overall technical evaluation, this matter is inconsequential.

Weston's contentions that the agency was obligated to raise this issue in discussions.

COST REALISM ANALYSIS

Weston contends that DOE failed to conduct a reasonable cost realism analysis of Booz-Allen's proposal. According to Weston, although DOE recognized that Booz-Allen's proposed labor rates were "extremely low," DOE averaged the proposed rates of both offerors and their subcontractors to adjust the rates to the market price for each position. Weston contends that this methodology permits Booz-Allen to continue to take advantage of its unrealistically low rates in the cost analysis because Booz-Allen's own low rates lower the average.

Where, as here, a cost reimbursement contract is to be awarded, the offerors' estimated costs of contract performance should not be considered as controlling since the estimates may not provide valid indications of the final actual costs which the government is required to pay. See FAR § 15.605(c). Consequently, the contracting agency must perform a cost realism analysis to determine the realism of an offeror's proposed costs and to determine what the costs are likely to be under the offeror's technical approach, assuming reasonable economy and efficiency. CACI, Inc.-Fed., 64 Comp. Gen. 71 (1984), 84-2 CPD ¶ 542.

An agency is not required, however, to conduct an in-depth analysis or to verify each item in conducting a cost realism analysis. Hattal & Assocs., 70 Comp. Gen. 632 (1991), 91-2 CPD ¶ 90. A cost realism assessment necessarily involves the exercise of informed judgment and the agency is clearly in the best position to make that assessment; therefore, our Office will review such a determination only to ascertain whether it had a reasonable basis. Id.

Here, the record shows that the agency, after considering the proposed base year composite rates of the offerors and their subcontractors,¹⁹ revised its estimates based on an average of these rates, and then adjusted the offerors' proposed rates where appropriate based upon the revised estimates. Booz-Allen's proposed costs were upwardly adjusted by \$3,178,285, Weston's by [deleted]. The protester has not shown that the agency's revised estimates are unsound; accordingly, we have no reason to question the agency's approach, which actually adversely impacted Booz-Allen's evaluated costs significantly more than it did Weston's.

¹⁹Including subcontractors, there were more than 16 companies whose rates were used.

SOURCE SELECTION DECISION

Weston also argues that DOE did not perform a proper cost/technical tradeoff. The protester argues that DOE relied almost exclusively on the technical ratings given to the offerors and failed to qualitatively distinguish between Booz-Allen's and Weston's proposals.

Source selections officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and cost evaluation results. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325; Mevatec Corp., B-260419, May 26, 1995, 95-2 CPD ¶ 33. Agencies may make cost/technical tradeoffs in deciding between competing proposals and the propriety of such tradeoffs turns not on the difference in technical scores or ratings per se, but on whether the selection official's judgment concerning the significance of that difference was reasonable and adequately justified in light of the RFP evaluation scheme. See Wyle Labs., Inc.; Latecoere Int'l, Inc., 69 Comp. Gen. 648 (1990), 90-2 CPD ¶ 107.

Contrary to the protester's allegation, the record shows that the source selection official reviewed the full technical evaluation record (including strengths, weaknesses, and concerns cited for the proposals), as well as the resulting point scores, adjectival ratings, and cost evaluation results. The award determination statement concluding that Booz-Allen offered the most advantageous proposal to the government points out, for example, that Booz-Allen offered many key personnel who meet or exceed the requirements and demonstrated superior experience in the management and execution of activities similar in size, scope, and complexity to the activities required by the SOW. The award determination also notes Booz-Allen's outstanding technical approach, its in-depth understanding of the work, its organizational structure, and its outstanding management and control systems. The determination states that the superiority of Booz-Allen in these critical factors "represents meritorious differences of significance to OCRWM."

The award determination goes on to describe the differences in Weston's proposal, citing, for example, the determination that a number of Weston's key personnel did not demonstrate extensive managerial experience and Weston's weaknesses in its technical approach, understanding of the SOW and program management. Finally, the award determination specifically states that while Weston offered the lower cost, the cost savings were not significant given the technical advantages of Booz-Allen's proposal.

We see nothing improper in the selection decision. It reflects an appropriate comparison of the competing proposals and includes a reasoned determination for

selection of the higher-cost offer. Under these circumstances, and given that technical factors were more important than price, we have no basis to object to the award selection.

The protests are denied.

Comptroller General
of the United States