



**Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

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**Matter of:** Matrix International Logistics, Inc.

**File:** B-277208; B-277208.2

**Date:** September 15, 1997

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Raymond S.E. Pushkar, Esq., and Michael A. Hopkins, Esq., McKenna & Cuneo, for Sea-Land Logistics, Inc., an intervenor.  
Charna J. Swedarsky, Esq., Department of the Navy, for the agency.  
John L. Formica, Esq., Guy R. Pietrovito, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## **DIGEST**

Protest that the contracting agency unreasonably evaluated the protester's and awardee's competing proposals under certain of the technical evaluation factors is denied where the record shows that the evaluation was reasonable; the protester's mere disagreement does not render the agency's judgment unreasonable.

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## **DECISION**

Matrix International Logistics, Inc. protests the award of a contract to Sea-Land Logistics, Inc. under request for proposals (RFP) No. N62387-96-R-9602, issued by the Military Sealift Command (MSC), Department of the Navy, for transportation services in support of the Cooperative Threat Reduction (CTR) program. Matrix contends that the agency's evaluation of its and Sea-Land's technical proposals, and the selection of Sea-Land's higher-priced proposal for award, were unreasonable.

We deny the protest.

The CTR program assists the former Soviet Union (FSU) countries of Russia, Belarus, Ukraine, and Kazakhstan in the elimination of their nuclear and chemical weapons of mass destruction and of other weapons. CTR program support includes, to the extent feasible, the use of United States technology and technicians, and has resulted in the provision of equipment and services to the FSU. The successful contractor under the RFP will be required to provide multifaceted transportation and shipping support services to the CTR program, including shipment planning, material handling, shipment, reporting, and security. Essentially, the objective of the contract is to provide the CTR program with door-to-door

intermodal services for the transportation of containerized and breakbulk cargoes between the United States, Europe, and certain points within the FSU.

The RFP provided for the award of a fixed-price, indefinite delivery, indefinite quantity contract, for a base and 1 option year. The RFP stated that award would be made to the offeror submitting the proposal representing the best overall value to the government, price and other factors considered, and listed the following technical evaluation factors and subfactors:

1. Proposed Services for CTR Shipments
  - A. Procedures and Method for Shipment Planning
  - B. Shipment Execution
  - C. Reporting and In-Transit Visibility (ITV)
  - D. Security
  - E. Sample Problem Solution
  
2. Experience and Past Performance
  - A. Corporate Performance
    - (i) Resources
    - (ii) Program Management
    - (iii) ITV
    - (iv) Security
  - B. Government Assessment of Performance
  
3. Corporate Capabilities
  - A. Personnel experience/resumes
  - B. Program management
  - C. Facilities, transportation assets
  - D. Computer systems, databases, etc.
  - E. Financial Capability
  
4. Material Handling
  - A. Container and less-than-trailerload shipments
  - B. Breakbulk and Rolling Stock
  - C. Oversize Breakbulk

The RFP informed offerors that the evaluation factors and subfactors were listed in descending order of importance, with certain exceptions; within evaluation factor one, subfactors A, B and C were of equal importance, and subfactors D and E were of equal importance, but were less important than subfactors A, B and C; the subfactors of evaluation factor four were of equal importance. The RFP also

provided detailed instructions for the preparation of proposals and requested that offerors organize their technical proposals to respond to the evaluation factors and subfactors.

The agency received five proposals by the RFP's closing date. The proposals were evaluated by the agency, and three proposals, including Sea-Land's and Matrix's, were included in the competitive range. Discussions were held, and best and final offers (BAFO) were requested and received. Sea-Land's and Matrix's proposals were evaluated as technically "excellent" overall, at evaluated prices of \$6,016,179 and \$7,086,280, respectively.<sup>1</sup> The agency determined that the proposals of Sea-Land and Matrix were essentially equal in technical merit and awarded the contract to Sea-Land because of its lower price.

After requesting and receiving a debriefing, Matrix filed protests with our Office on June 24 and August 7, 1996.<sup>2</sup> In Matrix Int'l Logistics, Inc., B-272388.2, Dec. 9, 1996, 97-2 CPD ¶ \_\_\_, we sustained Matrix's protests. Specifically, we concluded that the reasonableness of the agency's evaluation of Sea-Land's BAFO and the source selection decision could not be determined because they were unsupported by either the contemporaneous evaluation and source selection documentation, or the arguments, explanations, and hearing testimony in the protest record. We also found that the agency had failed to conduct meaningful discussions with Matrix, and had engaged in improper post-BAFO discussions with Sea-Land. We recommended that the agency reopen discussions, request new BAFOs, document its evaluation and source selection decision, and if it concluded that Sea-Land was no longer in line for award, terminate the contract awarded to Sea-Land and award the contract to the appropriate offeror.

In response to our recommendations, the agency reopened discussions, and requested and received revised proposals from each of the three offerors whose proposals had been included in the previous competitive range, including Sea-Land and Matrix.<sup>3</sup> The proposals were forwarded to the cognizant source selection

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<sup>1</sup>The adjectival ratings used by the agency in evaluating proposals were excellent, good, acceptable, marginal, and unacceptable.

<sup>2</sup>The agency authorized performance of Sea-Land's contract, notwithstanding the protests. Sea-Land continues to perform under the contract.

<sup>3</sup>The agency also issued six additional amendments to the RFP (amendments Nos. 0007-00012), which, among other things, modified the solicitation by adding new requirements to move cargo between countries of the FSU, within countries of the FSU, and between continental Europe and the FSU. The amendments also  
(continued...)

evaluation board (SSEB) for evaluation, with the SSEB rating each of the proposals as technically "marginal."<sup>4</sup> The three proposals were included in the competitive range, discussions were held, and BAFOs were requested and received. Sea-Land's BAFO was rated as "excellent" overall at an evaluated price of \$6,191,705, and Matrix's BAFO was rated as "good" overall at an evaluated price of \$5,578,626. A memorandum, which recommended that the contract be awarded to Sea-Land as the offeror submitting the proposal representing the best value to the government, was forwarded by the chairman of the SSEB and the contracting officer to the source selection authority (SSA).<sup>5</sup> The SSA signed the memorandum as "concur[ring]" with the recommendation.

After being informed by the agency of its determination that Sea-Land's proposal represented the best value to the government, and requesting and receiving a debriefing, Matrix filed these protests.

Matrix protests that the agency's evaluation of its and Sea-Land's technical proposals was unreasonable. The evaluation of technical proposals is a matter within the discretion of the contracting agency since the agency is responsible for defining its needs and the best method of accommodating them. Marine Animal Prods. Int'l. Inc., B-247150.2, July 13, 1992, 92-2 CPD ¶ 16 at 5. In reviewing an agency's evaluation, we will not reevaluate technical proposals, but instead will examine the agency's evaluation to ensure that it was reasonable and consistent with the solicitation's stated evaluation criteria. MAR, Inc., B-246889, Apr. 14, 1992, 92-1 CPD ¶ 367 at 4. An offeror's mere disagreement with the agency does not render the evaluation unreasonable. McDonnell Douglas Corp., B-259624.2, B-259624.3, June 16, 1995, 95-2 CPD ¶ 51 at 18.

Matrix first challenges the agency's evaluation of its and Sea-Land's proposals as "good" and "excellent," respectively, under the procedures and method for shipment planning subfactor to the proposed services for CTR shipments evaluation factor.

In assessing Sea-Land's proposal as "excellent" under the procedures and method for shipment planning subfactor, the agency found that the proposal reflected

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<sup>3</sup>(...continued)

added cargo receiving and warehousing services in continental Europe, reduced the firm period of the contract to four months, and reduced the projected cargo volumes.

<sup>4</sup>The membership of the SSEB was changed from four to three evaluators, with one new member being added and two individuals who had served on the predecessor SSEB being removed as they were no longer available for this project.

<sup>5</sup>A new SSA was appointed after our decision in Matrix Int'l Logistics, Inc., *supra*.

"comprehensive and detailed planning for every action in every shipment." The agency noted, for example, that Sea-Land, in planning for the movement of cargo, would involve the original equipment manufacturers (OEM) of the cargo being transported, Sea-Land's subcontractors in the FSU, FSU officials, and other professional associates in the shipment planning process, at a relatively early point in time. The agency found that Sea-Land's proposed planning process included, among other things, the identification of specific requirements for containers, breakbulk, and oversized or hazardous cargo, the identification of origins and destinations, the determination of possible modes of transportation, the selection of ports, and the selection of subcontractors to work the cargo. The agency also found that Sea-Land's proposed planning process included a description of certain specific actions to be taken if the cargo were hazardous cargo, including the transmission of detailed hazardous cargo information to the FSU to prevent potential problems. Furthermore, Sea-Land proposed [DELETED]. The agency concluded that Sea-Land's active approach to planning, whereby it proposed to involve OEMs, its subcontractors, and FSU officials in the planning process at a relatively early point in the process, as well as, in certain circumstances, its proposed planning process for the transportation of hazardous cargo, and [DELETED], merited a rating of "excellent" under the procedures and method for shipment planning evaluation subfactor.

Matrix's planning process was determined to meet the requirements of the RFP and reflected a "good understanding" of the agency's needs under the procedures and method for shipment planning subfactor. The agency noted that with regard to the shipment of oversized and hazardous cargo, Matrix proposed to rely on suppliers, truck drivers, and stevedores to identify weight and dimension discrepancies and hazardous cargo documentation problems, rather than ensuring that the shipping documentation is complete and accurate prior to cargo receipt.

The protester contests much of the agency's evaluation of its and Sea-Land's proposals under the procedures and method for shipment planning subfactor. For example, with regard to Sea-Land's proposal, the protester contends that, contrary to the requirements of the RFP and determinations of the agency, Sea-Land's proposal does not "even mention transportation plans, much less what they are, or what they include, or how they are developed." The protester argues that, in its view, Sea-Land's proposal is unclear as to [DELETED]. The protester adds that, contrary to the agency's evaluation, Matrix does not "blindly rely on others . . . to verify oversized cargo dimensions," but rather "checks and double-checks the dimensions provided against each other and dimension data already in Matrix's possession, and . . . resolves any discrepancies through communications with the OEMs." The protester also notes that its own proposal is longer and more detailed with regard to its description of its procedures and method for shipment planning than the section of Sea-Land's proposal which addresses the same subfactor.

From our review of the record, we find reasonable the agency's conclusion that Sea-Land's proposal "reflected a comprehensive and detailed approach" to shipment planning. The RFP's proposal preparation instructions requested that offerors describe in their proposals how they would "develop transportation plans for all shipment categories (container, general breakbulk, oversize breakbulk, hazardous material)." The RFP added here that offerors should describe how they intended to "gather information on impending shipments," and to "manage uncertainty in OEM-provided equipment dimensions and to minimize delays and cost." Offerors were further requested to describe the resources by which they would "gain awareness of and monitor potential risks (both loss and delay) to the shipment." While we agree with the protester that the section of its proposal addressing the procedures and method for shipment planning subfactor is longer and more detailed than Sea-Land's, the information set forth in Sea-Land's proposal, as determined by the agency, addresses the concerns of the agency as reflected in the RFP's proposal preparation instructions. The RFP simply did not require, as Matrix infers, that offerors provide specific transportation plans, but rather requested that offerors detail the processes by which they would develop such plans.

The major discriminator between the proposals of Sea-Land and Matrix, and much of the reason why Sea-Land's proposal was rated by the agency as "excellent" and Matrix's as "good" under the procedures and method for shipment planning evaluation subfactor, was Sea-Land's proposed [DELETED]. The agency explains that, in its experience, "paperwork and the accuracy of that paperwork are critical" in the movement of oversized cargo because "no mistakes are tolerated by local authorities," and as a result "improper cargo or weight dimensions for breakbulk or oversized cargo is a 'showstopper.'" In the agency's view, the [DELETED] is preferable to Matrix's proposed approach, which described the actions Matrix would take if problems were to occur after transit of the cargo had begun, and [DELETED].<sup>6</sup> While Matrix clearly disagrees with the agency's evaluation of the proposals under this subfactor, and specifically the [DELETED], Matrix's disagreement with the agency's technical judgment does not render the agency's evaluation unreasonable. McDonnell Douglas Corp., *supra*, at 19.

Matrix challenges the agency's evaluation of its and Sea-Land's proposals as "good" and "excellent," respectively, under the shipment execution subfactor to the proposed services for CTR shipments evaluation factor. According to Matrix, the record demonstrates that the evaluated difference between the proposals "boils

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<sup>6</sup>Although Matrix's proposal describes the process by which it manages OEM-supplied dimensions for oversized breakbulk cargo to minimize delays and costs, including, among other things, the confirmation of OEM-supplied dimensions through communications with OEMs, and requiring drivers and stevedores to measure cargo, the proposal does not appear to set forth a procedure to resolve discrepancies or disputes should the "confirming" information differ.

down to one point, namely, that the ratings were justified because [Sea-Land] allegedly sends (overnight or by courier) the necessary paperwork for obtaining permits and clearances well before the shipment execution stages." The protester contends that this assessment is incorrect, because "[w]hile perhaps not stating as explicitly as [Sea-Land] that information and documentation is forwarded to the FSU during the shipment planning stages, Matrix's proposal is most reasonably interpreted as making that representation."

The RFP requested that offerors address the shipment execution evaluation by describing how they would provide transportation services for the CTR program, including discussions of their respective approaches to transportation services, entry/customs, receipting, quality control, origin to final destination, and origin to marshaling point, for certain shipment types and destinations "which present unique challenges." The SSEB noted that the key strengths of Sea-Land's proposal under the shipment execution evaluation subfactor included:

excellent detail for locations, transportation modes, equipment types and directions. Virginia and European Continental warehousing and consolidation activities, [hazardous material] control, entry/custom and quality control are extensively detailed. Procedures for storing, consolidating and processing Inter/Intra FSU and backhaul requirements exceed government requirements providing routings, plans and risk assessment/abatement details.

In contrast, the SSEB noted the key strengths of Matrix's proposal under the same evaluation subfactor as providing:

for some back-up checks in the process by subcontractors and port personnel which will assist determining shipment problems. The proposal does recognize risks associated with performance.

As indicated by the foregoing quotes, the record simply does not support the protester's assertion that the discriminator between the proposals of Matrix and Sea-Land under the shipment execution evaluation subfactor was that Sea-Land proposed to send the necessary paperwork for obtaining permits and clearances "to the FSU" well before the shipment execution stages, whereas Matrix did not. Instead, the record evidences that the agency determined that Sea-Land's proposal provided greater understanding and detail regarding the agency's requirements as considered under the shipment execution evaluation subfactor than did Matrix's. Because Matrix has not otherwise substantively challenged the agency's evaluation of Sea-Land's proposal under the shipment execution evaluation subfactor, we see no basis to object to this aspect of the evaluation.

Matrix also challenges the evaluation of its and Sea-Land's proposals under the reporting and ITV subfactor to the proposed services for CTR shipments evaluation

factor, under which the proposals were rated as "good" and "excellent," respectively. Matrix contends that its and Sea-Land's proposals offer the same or similar features with regard to reporting and ITV services, and that the proposals should therefore have received the same rating.

The agency reports that in evaluating the proposals, it found that Matrix and Sea-Land proposed many of the same reporting and ITV capabilities. For example, the agency found that both offerors proposed to keep track of the status of shipments through the use of electronic data interchange, customized data systems, electronic mail, satellite telephones, reports filed by their security teams, and customs and port official reports. The agency found, however, that Sea-Land's proposal included two features regarding reporting and ITV capabilities that were not offered by Matrix. Specifically, Sea-Land [DELETED].<sup>7</sup> Also, Sea-Land offered [DELETED]. The agency concluded that these added reporting and ITV capabilities "provided [Sea-Land's] proposal with a distinct edge over Matrix through a redundant system designed to leave 'no stone unturned' to provide ITV," and thus justified the different ratings received by the two proposals under this subfactor.

Matrix's disagreement with the agency's evaluation of Sea-Land's and Matrix's proposals under the reporting and ITV evaluation subfactor does not render the evaluation unreasonable. For example, Matrix maintains that "it is difficult to see how [DELETED] database . . . will enable [Sea-Land] to provide more accurate or current ITV information than Matrix would provide with daily status and location reports via satellite phone from the security teams accompanying each shipment." Although Matrix may believe that daily status and location reports from its security guards provides ample ITV capability, we cannot find unreasonable the agency's determination that Sea-Land's access to additional sources of information (e.g., [DELETED]) to verify the ITV reports it receives from its security guards would be beneficial.

Matrix also speculates that the statement in Sea-Land's proposal that [DELETED]. We find that the agency reasonably interpreted Sea-Land's proposal as providing, in certain circumstances, for [DELETED]. In addition to the relative clarity of the proposal's statement, set forth above, concerning [DELETED], the proposal states elsewhere that for certain shipments [DELETED]. Additionally, the proposal states that Sea-Land's ITV capabilities include "[a]ccess to portable satellite phones." It thus appears clear that Sea-Land was not [DELETED], as speculated by Matrix.

Matrix protests the agency's evaluation of Sea-Land's proposal as "good" under the security subfactor to the proposed services for CTR shipments evaluation factor.<sup>8</sup>

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<sup>7</sup>Sea-Land Logistics and Sea-Land Services are subsidiaries of CSX Corporation.

<sup>8</sup>Matrix's proposal was evaluated as "excellent" under this subfactor.

The RFP's statement of work informed offerors that:

[s]ecurity is required to ensure that cargo is safe from theft, damage, vandalism, and pilfering. Security shall be provided for . . . each shipment from origin to final destination. The contractor shall provide armed security upon commencement of ground transportation in the FSU countries, to include the countries of final destination and former satellite countries of the FSU. Armed security shall include trained army security personnel during transport. Personnel shall be trained in the use of arms and proper security procedures. Security shall include 24 hours command and control coverage, licensed armed guards, blocktrain use when feasible, and staging security at all FSU transportation points and final destination.

The RFP's proposal preparation instructions stated in pertinent part that offerors

must demonstrate an ability to provide physical security during transit into and through FSU countries, including an understanding of the importance of security in the FSU and including an adequate plan for providing security during transit.

The SSEB found in evaluating Sea-Land's initial proposal that, although the proposal stated that Sea-Land would "provide security for all shipments and provide[d] extensive detail," the proposal, which indicated that some items may be transported by barge, included "no detail to specifically address barge movement security procedures." The SSEB rated Sea-Land's initial proposal under the security subfactor as "marginal."

During discussions, the agency informed Sea-Land that, among other things, its proposal "didn't address physical security procedures during transit into and through all FSU countries by all modes," and that it needed to clarify its "procedures to make sure all modes [of transportation] are covered." Although Sea-Land's BAFO provided additional detail concerning truck and rail security, and the security firms it would use, it omitted any discussion of security procedures to be followed should items be transported by barge. The SSEB evaluated Sea-Land's BAFO as "good" under the security subfactor to the proposed services for CTR shipments evaluation factor.

Matrix argues that because Sea-Land did not expressly address security for the transport of cargo by barge (as opposed to the two other modes of transportation contemplated by the RFP of rail and truck), its proposal should have been evaluated as "marginal" rather than "good" under the security subfactor. Matrix points out that "all parties agree that cargo will need to be delivered in the FSU via rail, truck, and barge transportation modes," and contends that each of these modes of transportation "present unique problems in terms of protecting the cargo against

theft and pilferage." In Matrix's view, the agency failed to provide any "plausible or defensible explanation" for evaluating Sea-Land's BAFO as "good," even though it failed to specifically address barge security, and speculates that the SSEB "chose to ignore the omission in [Sea-Land's] proposal and gave [Sea-Land] an overall 'Good' rating for [security]," because to do otherwise would, according to Matrix, "preclude an award to [Sea-Land]." Matrix concedes, however, that "the RFP does not specifically state that the proposals must address adequate plans for security with respect to each mode of transportation."

The agency explains that, after conducting its evaluation of initial proposals, the SSEB determined that it had placed too much emphasis on barge security. In this regard and as conceded by the protester, the RFP did not require specific information regarding every potential mode of transport such as by barge. Further, the record reflects that Sea-Land proposed to transport goods by barge only to a single destination and then only during the months of May, June or July, and that the goods estimated to be transported by barge constituted approximately 3/10 of 1 percent of the total estimated requirement. The agency, while considering Sea-Land's failure to address barge security, concluded that Sea-Land's proposal merited a rating of "good" under the security subfactor to the proposed services for CTR shipments evaluation factor because the proposal "clearly demonstrated Sea-Land's capability to meet the security requirements for all shipments using truck and rail."

We find, contrary to the protester's arguments, that the agency acted reasonably in evaluating Sea-Land's proposal as "good" under the security subfactor. The record demonstrates (and the protester does not argue otherwise) that Sea-Land's description of its security procedures and plans for the transport of cargo by truck and rail was detailed and well explained. Moreover, the protester does not demonstrate that the agency, in its evaluation of the offerors' BAFOs, failed to place the proper emphasis on Sea-Land's omission of any discussion of barge security, given the relatively minor amount of cargo to be transported by barge.

Matrix protests the evaluation of its and Sea-Land's proposals as "acceptable" and "excellent," respectively, under the corporate performance subfactor to the experience and past performance evaluation factor.

The RFP's proposal preparation instructions stated that "[o]fferors should describe the transportation services they and their subcontractors have provided into the FSU, including at least their value and scope." Offerors were requested to describe how they and their subcontractors have provided such services with regard to the following: resources employed (people, facilities, equipment, etc.); program management; ITV; and security. As set forth previously, resources employed, program management, ITV, and security, were listed as elements of the corporate performance evaluation subfactor.

Matrix contends that Sea-Land's proposal was unreasonably evaluated as "excellent" under the corporate performance subfactor to the experience and past performance factor because, in Matrix's view, Sea-Land's proposal does not include the information requested by the RFP for evaluation. For example, Matrix asserts that Sea-Land's proposal fails to "describe any projects for transportation services that Sea-Land and its subcontractors have provided into the FSU," and in describing its resources only briefly addresses the people, facilities, and equipment used in connection with certain projects. Matrix also contends that Sea-Land's proposal fails to discuss a number of items requested by the RFP under the program management element to the corporate performance subfactor, including, as set forth in the RFP, a description "of the resources that they had access to in the planning and shipment processes," and examples "demonstrating their ability to manage programs, to identify and avoid problems in the first place, and to deal with problems encountered in transit." Matrix also complains that Sea-Land's proposal fails to adequately describe, as requested by the RFP, "the processes used for obtaining in-transit shipment status and the ADP [automatic data processing] systems used to manage, communicate and use this information," and, for the security subelement of the corporate performance subfactor, "how shipments were protected from theft and pilferage." The protester concludes that, given these "substantial omissions," Sea-Land's proposal warranted, at best, a rating of "acceptable."

We disagree. Sea-Land's proposal provides, as reflected in the SSEB report, information on nine major projects involving the transportation of cargo to the FSU. These projects include Sea-Land's performance of two previous contracts awarded by MSC for transportation and shipping services to the FSU in support of the CTR program, as well as Sea-Land's continued performance of the contract awarded under the RFP here, during which Sea-Land has successfully delivered more than 7,577 metric tons of cargo since August 1, 1996. Although, as recognized by the agency during its evaluation of Sea-Land's proposal, the descriptions varied with regard to the degree to which they provided the information requested by the RFP, each description provides, as the agency asserts, information "regarding the nature of the project, the type of cargo, value of the proposal, the actions of [Sea-Land] personnel and its contractors, subcontractors, and related companies to accomplish the movements."

For example, Sea-Land's proposal includes a description of a program it managed involving the shipment of \$145 million worth of gold mining equipment from the United States, Europe, and Asia to the FSU. Here, Sea-Land discussed the value, scope, and nature of the cargo (which included oversized and superoversized cargo, including tractors, graders, and loaders), and the facilities, equipment, and other Sea-Land resources employed to transport the cargo. The services provided by Sea-Land to accomplish this project, including Sea-Land's opening of offices in the FSU, were detailed, and a description of how the cargo was actually transported (by ship, rail, and truck), including the roles of certain contractors, was provided. Sea-Land

also described its provision of ITV reports (three times per week to origin and destination locations, in part through the use of electronic mail), and security (security teams were dispatched and met the cargo at the FSU border).

The agency also points to Sea-Land's transportation of a \$25 million refinery from Houston, Texas, to Tomsk, Russia, detailed in its proposal, as an example of the type of description which, in part, resulted in the agency's evaluation of Sea-Land's proposal as "excellent" under the corporate performance evaluation subfactor. In this example, Sea-Land explained how some of the cargo had to be transported by ship and barge (as opposed to rail) because of the cargo's size. According to Sea-Land, the firm used an "'ice-class' vessel with a 10,000 ton capacity to transport the cargo through the North Sea to the Gulf of Ob," where the cargo was loaded onto four barges while seven kilometers at sea using cranes on board the Sea-Land vessel. The barges were then transported down the Ob River to the port of Koltogorsk. In describing this project, Sea-Land explained how it had to obtain special clearances and find and use certain barge companies, because the route taken is not open to western shipping, and how it had to make special arrangements to ensure that other firms that had provided service were paid for their services because of certain problems with the banking system. Based on our review of this example and the record overall, we find no basis to challenge the agency's assessment of Sea-Land's corporate performance as "excellent."

The protester also asserts here that its proposal's "low rating [of acceptable is] unwarranted," and that its proposal should have been rated as "[g]ood or better" under the corporate performance evaluation subfactor. The agency responds that it found that Matrix's proposal only adequately addressed the overall requirements of the corporate performance section of the RFP and was thus rated as "acceptable." The agency explains that in its view the descriptions of Matrix's performance on related contracts as set forth in its proposal only "provided a general overview of the activities [Matrix] has 'coordinated,' but failed to outline the steps taken in the process of coordinating that activity." In its report, the agency points to a number of quotes from Matrix's proposal in support of this view, including the following:

During 'Operation Winter Rescue' Matrix coordinated the shipment of 864 containers from the US, Canada, England, and France to destinations in Georgia and Armenia. The purpose of this 90 day operation was to assist the poor, elderly, and orphans in these severely depressed countries. Operation Winter Rescue was, at the time, the highest profile relief effort in the FSU. The success of this operation can be attributed to the cohesive working relationship demonstrated among the following organizations: Matrix, the Department of State, OSIA, and the Fund for Democracy the predecessor to (MPRI).

Matrix, in responding to the agency report, does not substantively respond to the agency's contention that its proposal received a rating of "acceptable" under the

corporate performance subfactor because its descriptions of its past performance were general in nature. Because of this and based upon our own review, we find reasonable the agency's position regarding its evaluation of Matrix's proposal under the corporate performance subfactor.

Matrix challenges the evaluation of its and Sea-Land's proposals as "good" under the government assessment of performance subfactor of the experience and past performance evaluation factor. Matrix argues that the past performance evaluation surveys, which were used in the evaluation of proposals under this subfactor, reflected "an overall superior assessment of Matrix's past performance as compared to [Sea-Land's] past performance."

The agency explains that, in evaluating the completed past performance surveys, it "recognized that both offerors received numerous excellent ratings and comments from those surveyed," and that "the substantive comments accompanying the ratings pointed out differences to the SSEB . . . which affected the rating of Matrix and Sea-Land." For example, with regard to Matrix, one survey states that "rate negotiations have not always gone smoothly," and that "some distrust exists, lack of partnership." This survey narrative continues by providing an example where Matrix's proposed method of shipping would have resulted in a higher price to the agency than was necessary. The agency found that the negative comments with regard to Sea-Land's performance were relatively minor, including one shipment reporting problem which was overcome when identified, and that Sea-Land "had to be reminded that only government authorized representatives could make constructive changes to the contract."

Based upon our review of the record, including each of the surveys completed, the individual evaluator work sheets, the summary evaluations, and the SSEB report, we cannot find the agency's evaluation of Matrix's and Sea-Land's proposals under the government assessment of performance subfactor to be unreasonable. The surveys, in essence, speak for themselves, and although they include mostly positive comments regarding the performance of both Matrix and Sea-Land, they also set forth some negative comments. The record reflects that the agency, in evaluating the proposals as "good" under the government assessment of performance subfactor, did so in an evenhanded and reasonable manner.<sup>9</sup>

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<sup>9</sup>Matrix also protests here, as it has with regard to each aspect of the agency's evaluation that it has challenged, that the evaluation evidences an agency bias towards Sea-Land. We have reviewed the record and find no credible evidence of bias or bad faith on the part of the agency. Prejudicial motives will not be attributed to contracting officials on the basis of unsupported allegations, inference, or supposition. McDonnell Douglas Corp., supra, at 28. In our view, as the above discussion demonstrates, the agency's evaluation of Matrix's and Sea-Land's

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Finally, Matrix challenges the agency's price/technical tradeoff determination based upon its contentions that its and Sea-Land's proposals were unreasonably evaluated. As explained in the analysis above, we find that the agency's evaluation of Matrix's and Sea-Land's proposals was reasonable.<sup>10</sup> Since the agency in its award selection document reasonably explained why Sea-Land's higher-rated proposal was worth its evaluated price premium, Matrix's contentions here provide no basis for overturning the award determination. Hughes Georgia, Inc., B-272526, Oct. 21, 1996, 96-2 CPD ¶ 151 at 8.

The protest is denied.

Comptroller General  
of the United States

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<sup>9</sup>(...continued)  
competing proposals was reasonable and in accordance with the evaluation factors set forth in the RFP.

<sup>10</sup>Matrix has made a number of other related contentions during the course of this protest having to do with the agency's evaluation of its and Sea-Land's technical proposals. Although not all these contentions are specifically addressed in this decision, each was carefully considered by our Office and found to be either insignificant in view of our other findings, or invalid based upon the record as a whole.