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Decision

Matter of: Redcon, Inc.

File: B-285828; B-285828.2

Date: October 11, 2000

Clark B. Fetzer, Esq., and Bryan H. Booth, Esq., Kirton & McConkie, for the protester.

Joan K. Fiorino, Esq., John C. Dulske, Esq., and Valinda J. Astoria, Esq., Thurman & Phillips, for SciTech Services, Inc., an intervenor.

Steven W. Feldman, Esq., and Craig R. Schmauder, Esq., U.S. Army Corps of Engineers, for the agency.

Paula A. Williams, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging the agency's evaluation of technical proposals is denied where the protest evidences the protester's mere disagreement with the results of the evaluation and there is no basis on which to find that the evaluation was unreasonable.
 2. Protest of the best value analysis is denied where the protest is predicated on the assumption that the underlying technical and price evaluations were erroneous, but the record shows that the evaluation results were reasonable.
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DECISION

Redcon, Inc. protests the award of a contract, on the basis of initial proposals, to SciTech Services, Inc. under request for proposals (RFP) No. DACA87-00-R-0008, issued by the U.S. Army Corps of Engineers, Engineering and Support Center, as a total small business set-aside to maintain a data acquisition system and to provide technical support for the Chemical Agent Munitions Disposal System (CAMDS). Redcon, the incumbent contractor, contends that the agency's evaluation of proposals and its award decision were unreasonable and inconsistent with the RFP's evaluation scheme.

We deny the protest.

BACKGROUND

CAMDS was created to facilitate the testing of prototype chemical demilitarization and disposal equipment and methods, and to facilitate the destruction of stockpile and non-stockpile material. The two principal areas of the CAMDS mission are the compilation of technical data and compliance with the regulatory and Army requirements for an environmentally safe operation. To this end, the RFP called for an array of services, including data collection, computer input, data reduction, data retrieval, environmental regulatory compliance, statistical analyses, hardware and software maintenance, plant calibration support, contractor escorting, and safety engineering. RFP at 18-21.

As amended, the RFP contemplated the award of an indefinite-delivery/indefinite-quantity, time-and-materials contract for a base year with four 1-year options. The RFP stated that the agency intended to award a contract without discussions to the offeror whose proposal represented the best value, after evaluation of technical factors and price. In making the best value determination, the RFP stated that technical evaluation criteria and price considerations were approximately equal. Id. at 62. The technical factors and subfactors were listed as:

1. Past Performance	
	1. Satisfied specifications
	2. Adhered to schedule
	3. Hired and retained appropriate personnel
	4. Managed and monitored subcontractors and material suppliers
	5. Committed to customer satisfaction
2. Experience	
	1. Data Acquisition, storage, retrieval, analysis, and reporting
	2. Environmental program management
	3. Computer/ADP program management
	4. Technical writing and documentation management
	5. Safety engineering, plant calibration, and material expediting
3. Technical Approach	
	1. Ability to meet the required work schedule
	2. Quality Control/Quality Assurance
	3. Familiarity with data acquisition, environmental program management, computer/ADP program management, technical writing and document management, safety engineering, plant calibration, and materials expediting
4. Management and Personnel	
	1. Key personnel experience
	2. Transition plan
	3. Organization and Management plan
5. Price	

RFP at 63-64. The RFP stated that past performance was more important than experience, and that experience was more important than technical approach which was more important than management and personnel. The RFP further stated that the subfactors were of equal importance within each factor. Proposals were to be evaluated under an adjectival rating scale of exceptional (E), good (G), acceptable (A), marginal (M) and unacceptable (U).¹ Price proposals were to be evaluated to determine reasonableness and affordability. Id.

For the past performance factor, the RFP instructed offerors to submit past performance information, including a maximum of four references, for similar or related contracts performed within the past 3 years. RFP at 56-57. Offerors also were required to describe and provide documentation of previous management experience with similar contracts. In addition, offerors were to address their ability to change the size and skill mix of personnel according to fluctuations in contract services; to fulfill job requests for special tasks on short notice; and to perform tasks outside normal working hours. Offerors were to describe their capacity to track and to assure timely completion of contract services and their experience in managing and in monitoring subcontractors and material suppliers. Id. The RFP further stated that the contract references, as well as the offeror's documentation, would be used for the evaluation of past performance. Id. at 63.

Under the management and personnel factor, section L.2.4.1 of the RFP instructed offerors to submit detailed resumes for all key personnel proposed.² In addition, the RFP instructed that "[t]he resumes should be for people identified for the base year of the contract. Changes to the proposed personnel must be approved by the [contracting officer's representative]." RFP at 59-60. The RFP did not require letters of commitment.

Six small business concerns, including Redcon and SciTech, submitted proposals by the April 26, 2000 extended closing date. After evaluating the proposals, the source

¹ The adjectival ratings were defined as follows:

Exceptional	Exceeds specified performance or capability; no weaknesses.
Good	Exceeds specified performance or capability in some areas. Meets all other requirements.
Acceptable	Meets the basic requirements.
Marginal	Numerous deficiencies. Does not meet several requirements.
Unacceptable	Fails to meet standards; does not meet numerous requirements.

RFP at 64.

² The RFP's roster of key personnel for whom resumes were required totaled 27 employees. RFP at 60.

selection evaluation board (SSEB) concluded that only three proposals were acceptable as submitted. The consensus ratings and evaluated prices for the three technically acceptable proposals were as follows:

	Redcon	SciTech	Offeror A
Overall Past Performance	[DELETED]	[DELETED]	[DELETED]
1. Satisfied Specifications	[DELETED]	[DELETED]	[DELETED]
2. Adhered to Schedule	[DELETED]	[DELETED]	[DELETED]
3. Hired/retained appropriate personnel	[DELETED]	[DELETED]	[DELETED]
4. Managed subcontractors/suppliers	[DELETED]	[DELETED]	[DELETED]
5. Committed to customer satisfaction	[DELETED]	[DELETED]	[DELETED]
Overall Experience	[DELETED]	[DELETED]	[DELETED]
1. Data Acquisition	[DELETED]	[DELETED]	[DELETED]
2. Environmental Program Mgmt.	[DELETED]	[DELETED]	[DELETED]
3. Computer/ADP Program Mgmt.	[DELETED]	[DELETED]	[DELETED]
4. Technical Writing	[DELETED]	[DELETED]	[DELETED]
5. Safety, Calibration and Material Expediting	[DELETED]	[DELETED]	[DELETED]
Overall Technical Approach	[DELETED]	[DELETED]	[DELETED]
1. Ability to meet required schedule	[DELETED]	[DELETED]	[DELETED]
2. Quality Control/Quality Assurance	[DELETED]	[DELETED]	[DELETED]
3. Familiarity with Requirements	[DELETED]	[DELETED]	[DELETED]
Overall Management & Personnel	[DELETED]	[DELETED]	[DELETED]
1. Key Personnel Experience	[DELETED]	[DELETED]	[DELETED]
2. Transition Plan	[DELETED]	[DELETED]	[DELETED]
3. Organization and Management Plan	[DELETED]	[DELETED]	[DELETED]
Total Price	[DELETED]	\$11,224,956.50	[DELETED]

Agency Report (AR) exh. 9, SSEB Report, at 5-6. As relevant here, SciTech's past performance evaluation was based on past performance information contained in its proposal, as well as survey responses from three references who completed past performance questionnaires. These references were for [DELETED]. Redcon's past performance evaluation was also based on information in its past performance proposal and responses received from three references. These references were for its CAMDS contract; [DELETED].

After reviewing the strengths and weaknesses with respect to the proposals of the three technically acceptable offerors, the SSEB concluded that Offeror A's proposal posed significantly more risk to the government than either of the two higher-rated

offerors. The SSEB then considered the proposals of Redcon and SciTech and found that:

Although Redcon offers an advantage to the Government as the incumbent, the Board did not feel that the advantage justified the higher cost. SciTech has [DELETED] in every area addressed in the evaluation. SciTech demonstrated a strong understanding and comprehensive technical approach to successfully accomplish the scope of work in each area. It was the Board's consensus that SciTech should be able to step right into the contract with minimal disruptions to on-going CAMDS operations.

Id. at 3. The SSEB prepared and submitted a report to the contracting officer, who served as the source selection authority (SSA), summarizing the overall evaluation results. This report included the findings of the evaluators, the SSEB's recommendation for award to SciTech, and its rationale for that recommendation. The SSA reviewed the SSEB report and concurred with the SSEB's finding that SciTech's proposal represented the best value to the government. In specifically comparing SciTech's proposal to Redcon's, the SSA stated:

The technical differences between SciTech and Redcon were relatively small, although SciTech's technical proposal was rated slightly higher than the proposal from Redcon. Therefore, as according to the solicitation, differences in price between the two offerors became more important. It is determined that the additional [DELETED] increase in price to award to Redcon over the life of the contract would not be of any additional value to the Government.

AR exh. 2, Source Selection Decision Document, at 4-5.

Accordingly, the agency awarded the contract to SciTech. After receiving the notice of the award and a debriefing, Redcon filed this protest with our Office. The agency has stayed performance of the contract pending our resolution of the protest.

Redcon challenges the reasonableness of the agency's evaluation under virtually all of the evaluation factors and subfactors. The protester also complains that in a number of instances the agency's evaluation was inconsistent with the announced evaluation criteria.

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. Matrix Int'l Logistics, Inc., B-277208, B-277208.2, Sept. 15, 1997, 97-2 CPD ¶ 94 at 4. In reviewing an agency's evaluation of proposals, we will not reevaluate technical proposals, but instead will examine the agency's evaluation to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. Id. An offeror's mere disagreement

with the agency does not render the evaluation unreasonable. Global Assocs., Ltd., B-275534, Mar. 3, 1997, 97-1 CPD ¶ 129 at 3. Based on our review of the record, and as discussed below, we find that the agency's evaluation of the proposals of Redcon and SciTech was reasonable, consistent with the RFP's stated evaluation criteria, and legally unobjectionable. We discuss below what we view as the most significant issues.³

PAST PERFORMANCE

Redcon argues that it was unreasonable for the agency to award SciTech's proposal [DELETED] under past performance.⁴ To support its argument, the protester focuses on SciTech's contract [DELETED]; the protester alleges that the agency unreasonably equated SciTech's past performance [DELETED] "with performance on an indefinite delivery, indefinite quantity contract for data acquisition and technical support." Protester's Supplemental Submission, Aug. 28, 2000, at 10.

The record shows that [DELETED]. AR exh. 8, SciTech's Proposal, at 19. It is undisputed that the [DELETED] contract is relevant to the work to be performed

³ During the course of the protest, Redcon raised a number of other related contentions having to do with the propriety of the agency's evaluation of proposals and selection of SciTech for award. Although not every one of these contentions is specifically addressed in this decision, we have reviewed them and, based on the protest record, we conclude that they are without merit.

⁴ Redcon further challenges the past performance evaluation on the basis that the past performance questionnaires used a numerical scale rather than the adjectival rating scheme set forth in the RFP. Protester's Supplemental Submission, Aug. 28, 2000, at 9. Redcon also contends that the past performance questionnaires impermissibly included eight additional questions beyond the areas addressed in the stated past performance subfactors. Id. Neither of these contentions provides a valid basis to question the past performance evaluation. First, as the agency points out, there is no legal requirement that past performance questionnaires use the same rating method as that set forth in a solicitation. We see nothing unreasonable in the agency's use of questionnaires with numerical scores as a guide in determining which adjectival rating would be assigned; the key question is whether the past performance information is accurately conveyed. Nor are we persuaded, as the protester suggests, that the eight additional questions in the questionnaires were not within the scope of the past performance evaluation factor. On the contrary, and as the record shows, these additional questions were logically related to aspects of the stated subfactors. For example, the questions concerning the extent to which the contractor interfaces with customers and responds to technical direction are reasonably encompassed by the commitment to customer satisfaction subfactor.

under the CAMDS contract awarded here to SciTech. The record further indicates that the work under [DELETED].

Although Redcon argues that the work performed [DELETED] bears no relevance to the CAMDS contract, the protester has not established that the agency was unreasonable in concluding that this [DELETED] under a contract similar to, and broader in scope than, the protested one was not representative of SciTech's performance on that contract. In any event, as stated above, the RFP simply provided that the agency would assess each offeror's past performance under "similar or related work," and [DELETED], although admittedly not calling for work that was the same as the services solicited here, could reasonably be considered "related work," since the services were ordered under the clearly relevant [DELETED] contract. To the extent Redcon questions the relevancy of this [DELETED] we note that [DELETED] do not reflect the same scope of work covered under this CAMDS contract. AR exh. 12, Redcon's Proposal, at 3. In our view, the agency was consistent in its evaluation of the past performance of both firms.

Further, as the agency points out, the awardee's [DELETED] was based on all of the past performance information contained in SciTech's proposal and the three completed past performance questionnaires, including two other relevant contracts. The information received by the agency reasonably demonstrated that SciTech was [DELETED] contractor under the other two contracts. Agency Supplemental Report, Sept. 13, 2000, at 10-11. In our view, SciTech and Redcon were evaluated fairly under the past performance factor, and the record reasonably supports the [DELETED] received by SciTech.⁵

EXPERIENCE

Redcon argues that while it should have received [DELETED] because of the firm's extensive experience with CAMDS, SciTech should not have received the same rating since SciTech's proposal did not reflect equivalent experience and failed to adequately address the requirements of each experience subfactor. Protester's Supplemental Submission, Aug. 21, 2000, at 2-5; Protester's Comments on Supplemental Agency Report, Sept. 18, 2000, at 2-3.

⁵ Redcon also generally asserts that the individual who completed the past performance questionnaire for its CAMDS contract was "not competent to render [the] evaluation because she does not hold a position that gives her knowledge of all of REDCON's services." Protester's Supplemental Submission, Aug. 28, 2000, at 11. However, Redcon does not explain the basis for this conclusory assertion, and such a general statement is not sufficient to constitute a basis of protest. Bid Protest Regulations, 4 C.F. R. § 21.5(f) (2000).

Redcon alleges that the agency was “overly generous” and unreasonably equated its proposal to SciTech’s under the data acquisition, storage, retrieval, analysis, and reporting subfactor. Protester’s Supplemental Submission, Aug. 21, 2000, at 3. The protester states that SciTech did not provide a detailed response to the requirements of this subfactor since its proposal “[was] confined [DELETED],” while Redcon fully addressed the subfactor requirements [DELETED]. Id.; Protester’s Comments on Supplemental Agency Report, Sept. 18, 2000, at 3.

Contrary to the protester’s arguments, the record shows that SciTech did address these requirements in some detail and the agency had a reasonable basis to determine that SciTech’s proposal met and exceeded the requirements of the data acquisition, storage, retrieval, analysis, and reporting subfactor. For example, the evaluators favorably considered SciTech’s experience under an [DELETED]. Based on the information provided in SciTech’s proposal, they judged the tasks SciTech was currently performing under this contract as similar to the solicited CAMDS requirements. These included [DELETED]. While Redcon argues that SciTech’s response to the requirements of this subfactor was inadequate as compared to its proposal, which provided more technical information, the record supports the agency’s evaluation ratings.

Redcon argues next that the [DELETED] assigned to SciTech’s proposal under the environmental program management subfactor was unjustified because SciTech’s experience in this area is not as comprehensive as Redcon’s and Redcon’s proposal again “exceeds SciTech’s in length and detail.” Protester’s Supplemental Submission, Aug. 21, 2000, at 4. The protester also contends that SciTech’s evaluation was impermissibly based on the [DELETED]. Id. at 4; Protester’s Comments on Supplemental Agency Report, Sept. 18, 2000, at 2.

Redcon’s argument that its proposal provided relatively more technical information than SciTech’s does not provide any basis to conclude that the agency’s evaluation of SciTech’s proposal was unreasonable. The agency explains that SciTech merited [DELETED] for this subfactor because its proposal described the firm’s [DELETED]. The evaluators also credited SciTech for [DELETED]. The record further indicates that SciTech reasonably received evaluation credit for the experience [DELETED]. Id. at 28-30. Contrary to Redcon’s contentions, the agency reasonably determined that SciTech was experienced and knowledgeable with respect to the work to be performed under this subfactor. In any case, Redcon has not shown that the agency’s similar ratings of both proposals under the experience factor were unreasonable.

MANAGEMENT AND PERSONNEL

Key Personnel Experience

The protester argues that SciTech's proposal did not meet the key personnel requirements set forth in the RFP, and that the agency improperly concluded that the firm's proposal warranted a rating of [DELETED]. Specifically, Redcon claims that SciTech's proposal indicated that [DELETED]. *Id.*

There is no basis in the record to conclude that SciTech's key personnel approach failed to meet the requirements of this subfactor. The record indicates that SciTech submitted [DELETED]. AR exh. 8, SciTech's Proposal, at 73. On the other hand, in its transition plan, SciTech expressed [DELETED].⁶ *Id.* at 75. Redcon does not allege, and there is no suggestion in this record, that SciTech misrepresented the availability or commitment of its key personnel in its proposal. Nor is there any allegation that SciTech's proposed key personnel were not qualified to perform the CAMDS requirements [DELETED]. Under these circumstances, Redcon has no credible basis to argue that SciTech's proposal did not deserve [DELETED] rating for its key personnel. Redcon simply has not shown that the agency's judgment was unreasonable in this regard.

PRICE EVALUATION

Redcon alleges that the Corps improperly evaluated the reasonableness of proposed prices because the agency limited its evaluation to a comparison of the offerors' prices to each other. Protest at 7. The Federal Acquisition Regulation (FAR) provides a number of price analysis techniques that may be used to determine whether prices are reasonable and realistic, including a comparison with other prices received in response to the solicitation. FAR § 15.404-1(b)(2)(i). The depth of an agency's price analysis is a matter within the sound exercise of the agency's discretion, and we will not disturb such an analysis unless it lacks a reasonable basis. Ameriko-OMSERV, B-252879.5, Dec. 5, 1994, 94-2 CPD ¶ 219 at 4; Ogden Gov't Servs., B-253794.2, Dec. 27, 1993, 93-2 CPD ¶ 339 at 7.

Here, the RFP simply stated that price proposals would be evaluated for reasonableness and affordability, without specifying the manner or degree of analysis to which proposed prices would be evaluated. The record in this case

⁶ We note that although Redcon and SciTech received the [DELETED] rating under the management and personnel factor, [DELETED] under the three subfactors comprising this evaluation factor. The agency explains that the RFP contemplates that a successor contractor would have to implement a transition plan, which may include personnel substitutions. Consequently, under the transition plan subfactor, Redcon received [DELETED].

shows that the price analyst compared SciTech's price with the other offerors' prices, a technique which is explicitly recommended by the FAR. This comparison constituted a legally sufficient price analysis under this RFP.⁷ In sum, the agency's determination that SciTech's proposed price was reasonable, based on a comparison of the price proposals, is unobjectionable.

BEST VALUE

Redcon argues that the agency's price/technical tradeoff decision was flawed because the underlying evaluations on which it was based--specifically, the evaluation of SciTech's technical and price proposals in the areas discussed above and the evaluation of Redcon's proposal in the past performance area--were flawed. As discussed above, we conclude that the evaluation of SciTech's technical and price proposals was reasonable, and that the evaluation of Redcon's technical proposal was unobjectionable. The record shows that the SSA properly compared the strengths and weaknesses of Redcon's and SciTech's proposals and reasonably concluded that Redcon's proposal was not worth the payment of a price premium of approximately [DELETED]. Given these conclusions, there is no basis to object to the tradeoff on the grounds asserted by the protester.

The protest is denied.

Anthony H. Gamboa
Acting General Counsel

⁷ For the record, we note that Redcon challenged the price analysis as inadequate based on the agency's failure to evaluate whether offerors, other than itself, had proposed wage rates compliant with the Service Contract Act of 1965, as amended, 41 U.S.C. §§ 351-58 (1994), as well as with the required fringe benefits set forth in the applicable wage determination. We previously dismissed that allegation because in this case the issue raised concerns the agency's affirmative determination that SciTech is a responsible firm, which we will not review absent certain circumstances, which are not present here. 4 C.F.R. § 21.5(c).