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Comptroller General
of the United States

United States General Accounting Office
Washington, DC 20548

Decision

Matter of: JAVIS Automation & Engineering, Inc.

File: B-290556.2

Date: August 9, 2002

Thomas A. Cregger, Esq., Barry & Randolph, for the protester.
William Mayers, Esq., Defense Information Systems Agency, for the agency.
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participated in the preparation of the decision.

DIGEST

Technical evaluation identifying various weaknesses in protester's technical/management proposal attributable to lack of detail was unobjectionable where agency followed solicitation's evaluation criteria and record establishes that evaluated weaknesses have a reasonable basis.

DECISION

JAVIS Automation & Engineering, Inc. protests the award of contracts to four offerors under request for proposals (RFP) No. DCA200-01-R-5032 issued by the Defense Information Systems Agency, Defense Information Technology Contracting Organization (DITCO) for support of program management offices.¹ JAVIS challenges the agency's evaluation of its and the awardees' technical/management proposals.

We deny the protest.

The RFP, a 100-percent small business set-aside, sought proposals for DITCO's Global Enterprise Management Support (GEMS) requirement. GEMS contractors support agency program management offices worldwide in various program and technical areas including research, analysis, recommendation, and documentation of program issues and approaches; technical and data benchmarking efforts; and development of related tools. GEMS's four primary task areas are: task order

¹ The four awardees are Bloodworth Integrated Technologies, Pragmatics, Inc., Taylor-Oden Enterprises, Inc. (TOE), and Keylogic Systems, Inc.

management; information technology management support; verification and validation of engineering solutions; and information technology services.

The RFP anticipated the award of multiple indefinite-delivery/indefinite-quantity contracts over a maximum life cycle of 6 years, and reserved the agency's right to set aside at least one award for a qualified 8(a) offeror and at least one for a qualified HUBZone offeror. Successful contractors would compete for future task orders to be awarded on time-and-materials, fixed-price, or cost-reimbursement bases.

Offerors were to submit written briefing slides and make a 90-minute oral presentation, the technical/management portion of which was to be based upon a representative scenario (RS) in the RFP. Overall, proposals were to be evaluated on the basis of three factors--past performance, technical/management approach, and cost/price--and were scored on the basis of risk and a color code system.² Non-price factors were considered comparatively equal to one another and were significantly more important than price. Awards were to be made to the offeror(s) whose proposal(s) were the highest rated and represented the "best value."

Forty-two offerors submitted proposals, 35 of which, including Bloodworth, Pragmatics, TOE, Keylogic, and JAVIS, made oral presentations. After evaluating the oral presentations and proposed prices, the technical management evaluation team (TMET) reached a consensus evaluation for each proposal that included identification of various strengths and weaknesses. No discussions were held with any of the offerors. The final evaluation under all factors, and as analyzed by the source selection advisory council (SSAC), for the protester's and the ultimate awardees' proposals was as follows:

	Past Performance		Technical/ Management		Cost/Price DLCC ³
Bloodworth	Blue	Low	Blue	Low	\$30.4 million
Pragmatics	Blue	Low	Blue	Low	\$27.47 million
Keylogic (HUBZone)	Blue	Low	Blue	Low	\$34.56 million
TOE (8(a))	Blue	Low	Green	Low	\$22.37 million
JAVIS	Blue	Low	Yellow	Low	\$33.15 million

Based upon the SSAC's comparative analysis and his own integrated assessment of the strengths, weaknesses, and risks of the proposals, the source selection authority

² The evaluation ratings were as follows: blue (exceeds requirements); green (satisfactory); yellow (minimally adequate); orange (inadequate); and red (highly inadequate). Proposal risk was rated high, medium, or low.

³ Cost/price was evaluated on the basis of completeness, reasonableness, and the discounted life-cycle cost (DLCC) for each proposal.

determined to award four contracts to Bloodworth, Pragmatics, Keylogic, and TOE. JAVIS's proposal was not among the top 17 technically ranked proposals overall and its DLCC price was ranked 21st. After receiving notice of the awards and a debriefing, JAVIS filed this protest.

JAVIS challenges several aspects of the evaluation of its proposal. Under the technical/management approach factor, the RFP provided for an assessment of each offeror's capability to perform task orders under the GEMS contracts based on the offeror's technical and management solutions in response to the RS and its structure, personnel, quality focus, and business operations. RFP § M.4.2(a)(2)(i), (ii). With regard to JAVIS's technical/management proposal, the SSAC report concluded:

The proposal is minimally adequate; JAVIS is most likely able to meet performance requirements. Few strengths exist that are of benefit to the Government; the strengths do not offset the weaknesses. Substantial weaknesses exist that may impact the program; they are correctable with some Government oversight and direction. . . . Weaknesses include, JAVIS failed to discuss specific details regarding quality factors, such as performance standards and quality levels in sufficient detail. JAVIS demonstrated limited technical management tools as the[y] applied to the representative scenario. They failed to provide proof of their capability to conduct business with the government electronically. JAVIS did not discuss their management of subcontractors.

SSAC Report, Agency Report (AR), Tab 12, at 35. JAVIS asserts that the agency's evaluation of its technical/management proposal was flawed, specifically, the identified weaknesses were not valid. JAVIS concludes that its proposal should have been rated higher than yellow.

In reviewing a protest against an agency's proposal evaluation, our role is limited to ensuring that the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. National Toxicology Labs., Inc., B-281074.2, Jan. 11, 1999, 99-1 CPD ¶ 5 at 3. An offeror is responsible for submitting an adequate proposal and runs the risk that its proposal will be evaluated unfavorably where it fails to do so. Carlson Wagonlit Travel, B-287016, Mar. 6, 2001, 2001 CPD ¶ 49 at 3. Based on our review of the record, JAVIS's proposal failed to provide sufficient detail to require a higher technical score; in short, the evaluation was unobjectionable. We discuss several of JAVIS's arguments below.

JAVIS challenges the agency's finding that its proposal failed to discuss in sufficient detail quality factors such as performance standards and quality levels. Element 3 of the technical solutions subfactor included an evaluation of a required quality assurance (QA) surveillance plan to determine the extent to which it supported the measurement of the performance based solution to the RS. RFP § M.4.2(a)(2)(i). JAVIS asserts that it discussed quality factors and performance standards throughout

its oral presentation and cites a number of references to the presentation and its briefing slides. For example, JAVIS states that it included a “lengthy presentation” of its QA work plan as part of its task order management process; QA as part of its engineering model; a discussion of performance measures, schedule and plan; QA performance metrics; and the role of the QA manager and organizational commitment to QA process in the organization and work breakdown structures. Protester’s Comments at 2. JAVIS concludes that its proposal should not have been downgraded in this area.

This argument is without merit. Under this element, the agency was looking for offerors to identify such things as the primary method of surveillance, appropriate performance standards, acceptable quality level, evaluation methods, and incentives (positive, negative or both). Source Selection Plan (SSP), AR, Tab 3, at 52-53. Notwithstanding the protester’s own assessment of the contents of its slides and presentation, the record supports the agency’s finding that the protester failed to discuss QA in any significant detail. For example, JAVIS’s slides and presentation addressed the technical issues generally and in relation to prior contracts, but did not address the technical requirements of element 3. Instead of discussing quality factors such as performance standards and quality levels, or describing a QA plan, JAVIS’s oral presentation only generally discussed the importance of risk and performance measurement. AR at 3-4. Likewise, while some of JAVIS’s slides outlined its technical approach/solution, including QA, neither the slides nor the oral presentation discussed how the firm would measure a performance-based approach or would monitor the process. Based on the lack of detail included in JAVIS’s slides and presentation, the agency reasonably concluded that its proposal was weak under the technical solutions subfactor.

JAVIS also challenges the agency’s assessment that it demonstrated limited technical management tools as they applied to the RS. Element 6 of the technical solutions subfactor provided that the agency would evaluate the extent to which the offeror demonstrated the availability and effectiveness of technical and management tools and techniques. RFP § M.4.2.(a)(2)(i). JAVIS argues that it meets this requirement as evidenced by several slides and the accompanying oral presentation, which list more than six specific tools and methods, along with its proposed engineering process. Protester’s Comments at 3. In JAVIS’s view, the evaluators failed to take into account its “significant presentation” of its ability to manage its listed tools for the purpose of obtaining the stated objectives, and refers to a breakdown of management activities it proposed, along with the tools it would use. Protester’s Supplemental Comments at 2.

The record shows that JAVIS’s references to tools was not the “significant presentation” that it claimed. To successfully meet this aspect of the element, the agency expected offerors to provide evidence to justify claims of tool availability and effectiveness as applied to the RS. SSP, AR, Tab 3, at 53. JAVIS did not do this in any amount of detail. For example, while JAVIS listed various tools and identified the technical management areas associated with them, it spent only 2 minutes

discussing the tools and how they would apply. AR at 6. In this regard, several slides contain an outline of tasks and a listing of tools to be used for each task element, but they provide no detail on the effectiveness of these tools.⁴ In fact, most of JAVIS's oral presentation concerned only one of its several tools, and otherwise failed to explain how each would accomplish the tasks. Given the limited explanation provided by JAVIS, the agency reasonably concluded that its proposal demonstrated limited technical management tools as applied to the RS.

JAVIS asserts that the agency improperly evaluated its proposal as failing to provide proof of its capability to conduct business with the government electronically. Element 4 of the management solutions subfactor provides for evaluation of the offerors' e-commerce and e-business capability, and the degree to which e-commerce has been integrated into business operations. RFP § M.4.2(a)(2)(ii). JAVIS asserts that its participation in this electronic-based solicitation, coupled with its provision of detailed information regarding its web and electronic technology, met this requirement.

Again, the record shows that JAVIS's proposal slides and oral presentation provided very limited information regarding its capability in the areas of e-commerce and e-business. To successfully meet this aspect of the element, offerors were expected to provide evidence of acceptable tools and processes (e.g., electronic data interchange, e-mail, facsimile, electronic funds transfer), including current software applications in use, that would enable the offeror to conduct business electronically. SSP, AR, Tab 3, at 56. While JAVIS's proposal identifies its web tools and processes and its experience in various areas (e.g., web application conversion, web site hosting, web site security accreditation, web site training, web page development, e-commerce business staff support, and e-commerce configuration management), most of that experience relates to web site work, and the presentation failed to provide information concerning JAVIS's capability to conduct business with government electronically. Although JAVIS's slides identified two e-business projects and referenced a team of web designers who develop government web pages and e-business solutions, it failed to provide any detail as to actual capabilities. As noted by the agency, neither JAVIS's slides, nor its presentation, discussed its e-commerce/e-business capability in such areas as e-mail, computer bulletin boards, and facsimile. We conclude that the agency reasonably found that JAVIS's proposal was weak in this area.

JAVIS also asserts that the agency improperly evaluated the awardees' proposals. Specifically, JAVIS notes that the awardees' proposals had the same or similar

⁴ For example, at slides 25-26, JAVIS lists activities and tools, but describes them in generic terms such as "PM automated tools," "case tools," and "DII COE/COTS defined tools/toolkit."

weaknesses, or were noncompliant with the requirements of the RFP, and thus should not have received higher technical/management ratings than JAVIS.

Under our Bid Protest Regulations, a party is not interested to maintain a protest if it would not be in line for award if the protest were sustained. 4 C.F.R. § 21.0(a) (2002). Here, the record establishes that, apart from the four awardees, there are at least two small businesses, three 8(a) businesses, and one HUBZone business with higher combined technical ratings and lower evaluated prices than JAVIS's, any or all of which would be eligible for awards. In this regard, of the 35 proposals evaluated, as noted above, JAVIS's price proposal was 21st overall and its technical proposal ranking was not even among the top 17. Among 8(a) offerors, its proposal was ranked 11th of 17. Since we have found that the agency's evaluation of JAVIS's proposal was reasonable and it has not challenged those intervening offerors' evaluations, JAVIS is not an interested party to challenge the evaluation of the awardees' proposals; even if its protest were sustained, the intervening offerors, not JAVIS, would be in line for award. See, e.g., McDonald Construction Servs., Inc., B-285980, B-285980.2, Oct. 25, 2000, 2000 CPD ¶ 183 at 11; U.S. Constructors, Inc., B-282776, July 21, 1999, 99-2 CPD ¶ 14 at 5.

The protest is denied.

Anthony H. Gamboa
General Counsel