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Decision

Matter of: Trawick Contractors, Inc.

File: B-291237

Date: November 20, 2002

John T. Flynn, Esq., Smith, Currie & Hancock LLP, for the protester.
Catherine L. Horan, Esq. and Damon Martin, Esq., Naval Facilities Engineering Command, for the agency.
Sharon L. Larkin, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency improperly evaluated technical qualifications of key personnel is denied where protester failed to correct deficiencies, despite discussions, and the agency's conclusions were reasonable and in accord with the solicitation's stated evaluation criteria.

DECISION

Trawick Contractors, Inc. protests the award of a contract to TJC Engineering, Inc. under request for proposals (RFP) N62467-01-R-0372, issued by the Naval Facilities Engineering Command, Southern Division, for the renovation of military family housing at the Naval Air Station in Meridian, Mississippi. Trawick challenges the reasonableness of the Navy's evaluation of the qualifications of two proposed key construction personnel.

We deny the protest.

The RFP provided for the award of a fixed-price contract for the second phase of a renovation and construction project for 118 military housing units.¹ Award was to be made on a "best value" basis, considering four technical factors--past performance, small business subcontracting plan, technical qualifications, and technical solutions--

¹ The first phase of construction, which involved the renovation and construction of another 120 housing units, is currently being performed by Trawick under a separate contract.

and price.² Competition was restricted to selected offerors who submitted proposals for the first phase of construction.

With respect to the technical qualifications factor (the only factor at issue here), the RFP stated that the ratings would be the same as from the first phase evaluation “unless conditions change.” Offerors were required to submit the names and technical qualifications of all key design personnel and lead construction personnel, as well as provide any changes to their first phase submissions. RFP § 00200 ¶ 2.3 (Factor C–Technical Qualifications).

After proposals were submitted, the Navy held two rounds of discussions and twice sought proposal revisions. In both instances, the Navy informed Trawick of its concerns over Trawick’s proposed superintendent and quality control manager. Trawick twice revised its proposal. The Navy evaluated the proposal submissions and gave Trawick a marginal rating for the technical qualifications factor and an overall marginal rating for Trawick’s proposal. Trawick contends that the Navy unreasonably evaluated the qualifications of its proposed superintendent and quality control manager.³

In reviewing protests of allegedly improper evaluations, we will not substitute our judgment for that of the contracting agency. DAVSAM Int’l, Inc., B-228429.5, Mar. 11, 1988, 88-1 CPD ¶ 252 at 3. We will, however, review a technical evaluation to ensure that it is reasonable and consistent with the evaluation criteria and with procurement statutes and regulations. Telos Field Eng’g, B-251384, Mar. 26, 1993, 93-1 CPD ¶ 271 at 4. A protester’s disagreement with the agency’s judgment is not sufficient to establish that an agency acted unreasonably. Id. In this instance, we find that the Navy’s evaluation was reasonable.

As is clear from the record, Trawick was given a number of opportunities to address the Navy’s concerns. During the first round of discussions, the Navy asked Trawick how it intended to approach staffing, since its proposed superintendent and quality control manager were already designated to work the first phase of construction, which would not be completed before the second phase began, and these “persons

² The four technical evaluation factors were of equal importance. Combined, these technical factors were equal in significance to price. Offers were evaluated using adjectival ratings of excellent, acceptable, marginal, or unacceptable.

³ In its protest, Trawick also argued that its overall technical rating was incorrect because the Navy failed to properly average the ratings for all of the technical evaluation factors. The agency responded in depth to this allegation. We do not address this issue because Trawick failed to address it in its comments, and we consider the issue to be abandoned. Analex Space Sys., Inc.; PAI Corp., B-259024, B-259024.2, Feb. 21, 1995, 95-1 CPD ¶ 106 at 8.

cannot work on both projects at the same time.” The Navy also informed Trawick that it was a “requirement” for the individuals filling these positions to be “dedicated to only” this second phase. Agency Report (AR), Tabs 10 and 11, First Round Discussions with Trawick.

In response, Trawick revised its proposal, providing resumes for a new superintendent and quality control manager. The Navy’s technical evaluation board (TEB) reviewed these new resumes and expressed concerns over these individuals’ qualifications. AR, Tab 15, TEB Report (June 20, 2002), at 11.

The Navy held a second round of discussions, explained its concerns about the qualifications of Trawick’s newly proposed superintendent and quality control manager, and provided Trawick with another opportunity to revise its proposal. Specifically, Trawick was told that: (1) its proposed superintendent and quality control manager were not as qualified as those performing the first phase of construction; (2) the superintendent’s experience was for projects that were “smaller [and] less complex,” and his resume did not include “lead, asbestos or HAZMAT experience;” and (3) the quality control manager’s qualifications “do not meet the minimum requirements of [the] RFP.” AR, Tab 20, Second Round Discussions with Trawick. In response, Trawick revised the two resumes with some details and reiterated its belief that this proposed superintendent and quality control manager were qualified.⁴ AR, Tab 21, Trawick’s Response to Second Round Discussions.

After reviewing Trawick’s second revised proposal, the Navy determined that the superintendent’s resume still did not “demonstrate the experience to manage a project of this size, scope and complexity,” and that the quality control manager’s resume still “did not meet the minimum qualifications set forth in the RFP.” Consequently, the Navy gave Trawick’s proposal a marginal rating for the technical qualifications factor and an overall marginal rating for its proposal.⁵ AR, Tab 23, TEB Report (July 17, 2002), at 11, 16.

Trawick contends that the Navy’s evaluation of the superintendent’s and quality control manager’s qualifications was unreasonable.

⁴ Trawick alternatively proposed to utilize the first phase superintendent and quality control manager and provide the agency with a credit. Trawick similarly proposed this approach during the first round of discussions, which the Navy rejected because it found that individuals dedicated solely to the second phase were required.

⁵ In contrast, TJC (the awardee) received an overall excellent rating for its proposal. Although TJC’s proposal was \$163,461 higher than Trawick’s, the Navy determined that TJC provided the best value to the government based upon its superior technical qualities. AR, Tab 15, Source Selection Board Report, at 3-4.

With respect to its superintendent, Trawick concedes that this individual has less experience on large projects than the individual holding the position for the first phase of construction. In fact, the resume of the proposed second phase superintendent demonstrates experience only with projects ranging in value from \$200,000 to \$500,000, which is far less than the approximately \$8 million value of this project.

Nonetheless, Trawick contends that its second phase superintendent need not have experience on larger or more complex projects because of how the work is sequenced to be performed. As Trawick argues, the RFP provides that construction would occur on a rolling basis until the 118 housing units are constructed. The successful offeror would initially be given 12 units to renovate; as each unit was completed and accepted by the Navy, another unit would take its place so that the contractor could maintain the construction of 12 units at any one time. See RFP amend. 009 at 3. According to Trawick, the experience of its superintendent should thus be measured against the “true scope” of the work, which is the construction of 12 units, as opposed to the total scope of work, which is the construction of 118 units. We disagree.

Section 00202 of the RFP, setting forth the evaluation factors for award, clearly explained that the “General Project Requirements” involved the “design and complete revitalization” of up to 118 units. This work involved the demolition, reconstruction, and improvement of both the exterior and interior of these units, and included extensive work to all of the major building systems. RFP § 00202 ¶ 1.3. As acknowledged by the protester, paragraph 1.3 provides the work requirements against which the superintendent’s qualifications were to be measured. The reference to 12-unit sequencing is discussed as a “work restriction” in amendment 009. It seems apparent from the RFP that the project scope involved extensive renovations to an entire military housing complex and that the 12-unit increments were a matter of scheduling and not scope. We thus find that the Navy could reasonably determine that the superintendent’s experience was deficient, consistent with the RFP’s requirements.⁶

With respect to its quality control manager, Trawick argues that this individual satisfies the requirements of the RFP because he has 15 years experience as a construction company owner, prior experience as Trawick’s lead carpenter and/or superintendent, and has recently completed a quality control course administered by the Army Corps of Engineers. However, as the Navy reasonably determined, these qualifications do not meet the minimum requirements of the RFP. Section 01450, paragraph 1.5.1.2, of the RFP specifies that the quality control manager must possess:

⁶ Trawick also argues that the only requirement for the superintendent is that the individual speak English. This position is not supported by the RFP.

a minimum of 10 years experience as a superintendent, inspector, [quality control] [m]anager, project manager, or construction manager on similar size and type construction contracts which included the major trades that are part of this Contract. The individual must be familiar with the requirements [in an Army Corps of Engineers safety manual], and have experience in the areas of hazard identification and safety compliance.

The submitted resume does not establish compliance with the 10-year requirement in the specified positions of paragraph 1.5.1.2, and does not reflect experience in hazard identification⁷ or safety compliance. In this resume, four relevant projects are listed, three of which are as a “lead carpenter” (which is not a specified position), and one is as a superintendent. No dates are included to establish the length of time in any of the positions. The fact that the proposed individual has 15 years experience in home building and has owned his own construction company does not per se satisfy the RFP’s quality control requirements because there is no indication that, as a business owner, this individual performed in any of the required roles or acquired the necessary experience with hazard identification or safety compliance. The Navy’s conclusion that the resume did not satisfy the requirements of the RFP is thus reasonable, particularly since Trawick was provided an opportunity to correct this deficiency.⁸

In sum, Trawick’s arguments objecting to the Navy’s evaluation of the proposed resumes reflect only Trawick’s disagreement with the agency’s judgment, which does not render the Navy’s evaluation under the technical qualifications factor unreasonable. Telos Field Eng’g, supra.

The protest is denied.

Anthony H. Gamboa
General Counsel

⁷ The resume contains one reference to “removal of hazardous material” performed during a recent job as lead carpenter, but no further explanation of whether this work also involved hazard identification, as well as removal, as specified by the RFP.

⁸ Trawick contends that the Navy should have been more specific during discussions as to precisely why it believed the quality control manager’s resume did not satisfy Section 01450 of the RFP. To the extent that Trawick argues that discussions were inadequate, this allegation, raised for the first time in Trawick’s comments, is untimely. 4 C.F.R. § 21.2(2) (2002). In any event, we believe that under the circumstances, the Navy provided sufficient information to provide Trawick with a fair opportunity to address the agency’s concerns.