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Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

# Decision

**Matter of:** Evergreen Fire & Security

**File:** B-296510

**Date:** August 22, 2005

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S. Christopher Easley, Esq., The Easley Law Group, P.S., for the protester.  
Dale Shane for Shane Gelling Co., an intervenor.  
Capt. Joseph Fratarcangeli, Department of the Army, for the agency.  
Paul E. Jordan, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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## DIGEST

1. Where solicitation did not require offerors to submit evidence of technicians' qualifications prior to award, whether technicians will meet the requirements is a matter of contract administration and not for review by GAO.
  2. Agency's evaluation of awardee's past performance as very good was unobjectionable where it was consistent with awardee's performance record and only negative information identified by protester concerned matters for which, record shows, awardee was not responsible.
  3. Evaluation of protester's proposal as marginal was reasonable where proposal failed to identify firm's capability in all systems identified in solicitation.
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## DECISION

Evergreen Fire and Security protests the award of a contract to Shane Gelling Co. (SGC) under request for proposals (RFP) No. W91151-05-R-0001, issued by the Department of the Army as a total small business set-aside for intrusion detection systems security services at Fort Hood, Texas. Evergreen challenges the agency's technical evaluation of SGC's and Evergreen's proposals.

We deny the protest.

The RFP contemplated the award of a fixed-price requirements contract for a period of a base year, with 4 option years. The contractor was to provide necessary personnel, management, equipment, tools, and other items to perform maintenance,

repair, services, and systems administration for all Provost Marshal Office security systems at Fort Hood. These systems included intrusion detection systems (IDS); Integrated Commercial Intrusion Detection System-II (ICIDS-II); electronic entry control systems (EECS) radio frequency identification readers and cards (RFID); closed circuit televisions (CCTV) and forward looking infra-red (FLIR) cameras; electronic security fence sensors (ESFS); access control point (ACP) automation including defense biometric identification and radar detection system (DBIDS); and the secure law enforcement network (SLEN).

Proposals were to be evaluated on the basis of three factors--quality, past performance, and price. The quality factor was divided into three subfactors--technical capability, management, and quality control. The quality and past performance factors combined were substantially more important than price. Proposals were scored on an adjectival/color basis.<sup>1</sup> Award was to be made on a "best value" basis.

Evergreen, SGC, and a third offeror submitted proposals. The results of the consensus evaluation were as follows:

	<b>Evergreen</b>	<b>SGC</b>	<b>Offeror 3</b>
<b>Quality</b>	Marginal/Yellow	Very Good/Purple	Marginal/Yellow
<b>Past Perf.</b>	Very Good/Purple	Very Good/Purple	Very Good/Purple
<b>Price</b>	\$2,927,129	\$3,109,541	\$3,077,490

Based on these results, the contracting officer concluded that SGC's proposal represented the best value to the government, and awarded it the contract without conducting discussions. After receiving a debriefing, Evergreen filed this protest challenging the evaluation of the proposals.

In reviewing a protest of an agency's proposal evaluation, our review is confined to a determination of whether the agency acted reasonably and consistent with the terms of the solicitation and applicable statutes and regulations. United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 10-11. The evaluation here met this standard.

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<sup>1</sup> The adjectival/color ratings included unsatisfactory/very high risk (red); marginal/high risk (yellow); satisfactory/moderate risk (green); very good/low risk (purple); and outstanding/very low risk (blue).

## SGC PROPOSAL

### Personnel

Evergreen asserts that the agency improperly failed to downgrade SGC's proposal on the basis that its technicians were not properly certified prior to award.

The evaluation in this regard was reasonable. While the "contractor" was required to show evidence that all field technicians working on the IDS/ICIDS-II had the minimum specified MDI SAFEnet<sup>2</sup> certification qualifications and to ensure that all personnel had the proper professional certifications "before starting work" (Performance Work Statement (PWS) § C.1.3.11), the RFP did not require that all offerors establish their qualifications at the time of proposal submission or at any time prior to award. In this regard, as to certification and training, the RFP only required offerors to "[d]escribe the methods, and procedures necessary and which will be employed to ensure experience[d] and certified MDI personnel will perform services." RFP at 115. SGC's proposal met this requirement by describing in detail the extent of its personnel's training and certifications. SGC Proposal, ¶ II.3. In the absence of a requirement that offerors provide proof of qualifications prior to award, SGC's failure to provide such proof was not a basis for downgrading its proposal. Further, whether SGC provides qualified/certified technicians in performing the contract concerns contract administration; such matters are within the discretion of the agency and not for review by our Office. Bid Protest Regulations, 4 C.F.R. § 21.5(a) (2005).

### Past Performance

Evergreen asserts that the agency's evaluation of SGC's past performance as very good failed to take into consideration SGC's alleged inability to satisfactorily perform its incumbent contract at Fort Hood. Specifically, Evergreen identifies three instances of ICIDS system failures at Fort Hood that SGC was unable to resolve and that Evergreen was called upon to repair.

The past performance evaluation was unobjectionable. Proposals were evaluated on the basis of information submitted by offerors regarding their current or prior contracts reflecting experience in providing services or similar services as stated in the PWS. RFP at 115. SGC submitted information from two contracts, including its contract for maintenance and repair of the IDS and EECS at Fort Hood. SGC's proposal was rated as very good/purple based on positive ratings in all areas under both contracts. For example, its quality of service was highly recommended, its timeliness of performance was highly rated, and its key personnel performed their duties very effectively. Agency Report (AR), Tab 19. The agency explains that SGC's

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<sup>2</sup> MDI Security Systems produces the ICIDS-II and SAFEnet systems.

past performance was not downgraded based on the system failures identified by Evergreen, because SGC was not responsible for maintenance or service of the ICIDS-II system at Fort Hood; rather, that system was an upgrade to the CIDS system maintained by SGC, and installation of the upgrade was the responsibility of another contractor. AR, Tab 25, ¶¶ 1-2. The failures occurred prior to final acceptance of the upgrade and Evergreen was called in to resolve them, not because SGC could not do so, but because the protester was under contract as a quick-response ICIDS-II repair provider. *Id.*, ¶ 4. Since SGC's record of past performance supports the agency's rating of very good, and SGC was not responsible for maintaining the system that failed, the agency's evaluation was reasonable.

#### EVERGREEN'S PROPOSAL

Evergreen asserts that the agency improperly evaluated its proposal as marginal based on the agency's finding that the firm had failed to address its capability to support all systems identified in the PWS. In Evergreen's view, the evaluators should have recognized that its stated experience with the ICIDS-II system encompassed the other systems.

This argument is without merit. The PWS identified the tasks required in performance of the contract and instructed offerors to "provide evidence that [the] company is capable of performing maintenance/repair on the ICIDS-II, CCTV, EECS, ESFS, ACP, RFID, DBIDS and SLEN security systems and the plan of execution for services to be performed." RFP at 114. According to the agency, while the ICIDS-II is technically capable of being configured to include the other listed systems, the systems are all separate at Fort Hood. AR, Tab 10 at 6. In this regard, when the ICIDS-II upgrade was accomplished at Fort Hood, none of the other systems was updated, altered, or changed. AR, Tab 10, at 5. Since, contrary to the RFP's express instructions, Evergreen's proposal only addressed its capabilities and experience with ICIDS-II (it was evaluated as strong in that area), and did not significantly discuss the remaining systems, the agency reasonably rated the proposal as marginal overall. An offeror is responsible for submitting an adequately written 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.

The protest is denied.

Anthony H. Gamboa  
General Counsel