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## Decision

**Matter of:** Northrop Grumman Systems Corporation

**File:** B-298954; B-298954.2; B-298954.3

**Date:** January 12, 2007

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### DIGEST

Protest that agency failed to adequately account in the evaluation and best value determination for protester's offer of an enhancement (greater coverage) to required target acquisition counter fire radar is denied where the agency assigned a significant strength to protester's proposal on account of the proposed enhancement, but also assigned a significant strength to the awardee's proposal on account of the fact that its proposed radar was based on an actual prototype radar, and thus was more likely than the protester's unbuilt design to meet the solicitation's stringent delivery schedule; having reasonably determined that the protester's proposal was not superior to the awardee's proposal with respect to technical approach, the agency reasonably concluded that the awardee's advantages with respect to supportability and a lower cost/price warranted finding that the proposal represented the best value.

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### DECISION

Northrop Grumman Systems Corporation (NG) protests the U.S. Army Communications-Electronics Command's (CECOM) award of a contract to Lockheed Martin Maritime Systems & Sensors--Syracuse (LM), under request for proposals (RFP) No. W15P7T-06-R-T001, for the Enhanced AN/TPQ-36 (EQ-36) Target Acquisition Counter Fire Radar System. NG asserts that LM's proposal failed to

satisfy a mandatory solicitation requirement and otherwise challenges the evaluation of proposals.

We deny the protest.

Target acquisition counter fire radar detects and analyzes incoming enemy mortar shells, rockets, and artillery (cannon) shells so as to locate enemy firing points and thereby enable friendly forces to target the firing points. As stated in the Statement of Objectives (SOO) included in the solicitation, the EQ-36 procurement is in response to

a requirement for quickly replacing the existing AN/TPQ-36(V) 8 radar system, which has the operational capability to locate hostile mortar, artillery, and rocket fire that are a pervasive threat throughout the Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) theaters of operation, with a system with improved capabilities.

SOO § 1. According to the SOO, the EQ-36 system “shall provide increased capability over the existing AN/TPQ-36(V) 8, including 360 degree azimuth coverage against all threats at increased ranges.” Id. § 1. Further, the EQ-36 “improves the current system’s capability to operate in clutter and less than desired detection range and accuracy,” addressing “a critical OIF/OEF warfighting deficiency to locate threat mortar, artillery and rocket systems in a clutter environment.” Id. § 1.1.<sup>1</sup>

In addition, the SOO noted that, not only did the current target acquisition counter fire radar systems have “limited radar system performance, [but] this near obsolescent equipment is expensive to support and adversely effects sustainment and maintainability costs.” SOO § 1.1. Therefore, according to the SOO, “[s]chedule is a critical aspect of the EQ-36 program due to the urgent nature of the requirement,” and “[g]iven the need to quickly field a system to meet ongoing requirements, technically mature solutions shall be procured to meet existing and emerging needs.” SOO §§ 1.4, 3.6. Toward this end, the solicitation provided for an “evolutionary acquisition program that allows rapid fielding of incremental EQ-36 requirements.” SOO § 1.2. The SOO described a three-increment approach to the acquisition, with the “minimum requirements for Increment 1 and Increment 2 . . . delineated in the Government EQ-36 PBS [Performance Based Specification].” Id. § 1.4. The PBS provided in this regard that:

Performance capability required by this document is defined in terms of Increment 1 (I1) requirements and Increment 2 (I2) requirements as well as Increment 3 (I3) future growth capabilities. Increment 1

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<sup>1</sup> The EQ-36 is also intended to replace the AN/TPQ-37 target acquisition counter fire radar. Contracting Officer’s Statement, Nov. 17, 2006, at 2.

requirements and any Offeror proposed Increment 2 requirements must be met by the EQ-36 System in its proposed baseline, and shall be used in determining system compliance during test. This will be known as the Offeror's "proposed baseline." Any remaining Increment 2 requirements are mandatory requirements that must be offered as part of an evaluated option. The effort associated with Increment 2 must be completed within forty-eight (48) months of option exercise . . . . Increment 3 efforts represent future growth capabilities and are not mandatory.

#### PBS § 1.

The solicitation contemplated the award of a predominantly cost-plus-incentive-fee contract for five baseline EQ-36 systems, the first two which are to be delivered not later than 30 months after award, with options for Increment 2 upgrades, 12 production systems (on a fixed-price-incentive basis), a radar test environment simulator, and training devices. Award was to be made to the offeror whose proposal represented the "best value" based upon consideration of four evaluation factors: (1) technical, including subfactors for technical approach, supportability and management, with technical approach more important than supportability, which was slightly more important than management; (2) performance risk, including subfactors for past performance and system engineering; (3) cost/price; and (4) small business participation plan. The non-cost/price factors, when combined, were significantly more important than the cost/price factor.

CECOM received three proposals in response to the RFP, two of which—NG's and LM's—were included in the competitive range. After conducting several rounds of written and oral discussions, CECOM requested the submission of final proposal revisions (FPR).

Based on its evaluation of the FPRs, CECOM determined that LM's proposal was technically superior to NG's. Both NG's and LM's proposals received overall good ratings under the technical factor, and both were rated good under technical approach (the most important technical subfactor), with each receiving numerous strengths and five significant strengths. However, LM's proposal was rated good and NG's proposal only acceptable under supportability (the next most important subfactor). LM's proposal was determined to be "clearly superior" to NG's in this area, with significant strengths for a design that reduces the logistics footprint and improves supportability, and for an [REDACTED]. Source Selection Decision (SSD) at 3. NG's proposal received no significant strengths under the supportability subfactor. In addition, while both proposals were rated as acceptable under the management subfactor, LM's proposal received two strengths under this subfactor while NG's received none. Hearing Transcript (Tr.) at 463. (Both proposals were rated low risk under the past performance and systems engineering subfactors of the performance risk evaluation factor, and acceptable for small business participation.)

In addition, LM's evaluated cost/price (\$[REDACTED] million) was approximately [REDACTED] percent lower than NG's (\$[REDACTED] million). The source selection authority (SSA) therefore determined that, based upon its technical superiority and lower cost/price, LM's proposal represented the best overall value to the government.

Upon learning of the resulting award to LM, and after being debriefed, NG filed this protest with our Office challenging the evaluation of proposals. We have considered all of NG's arguments and find that they furnish no basis upon which to question the determination that LM's proposal was the best value under terms of the solicitation. We discuss the more significant arguments below.

## TECHNICAL APPROACH

### Requirement for 360 Degree Coverage

NG primarily asserts that LM's proposal failed to meet a solicitation requirement that offerors' EQ-36 baseline have the capability to locate hostile weapons—including cannon, rockets and mortars—over a 360 degree arc from the radar. In this regard, LM's baseline and Increment 2 option included 360 degree coverage only for mortars, and not for cannon or rockets. NG concludes that LM's proposal should have been rejected as technically unacceptable. CECOM disputes NG's interpretation of the solicitation, maintaining that it only required 360 degree coverage for mortars, and not cannon and rockets; it concludes that it therefore properly found LM's proposal acceptable.

In reviewing a procuring agency's evaluation of an offeror's technical proposal, we will not question an agency's evaluation judgments absent evidence that those judgments were unreasonable or contrary to the stated evaluation criteria or applicable procurement statutes or regulations. M & M Ret. Enters., LLC, B-297282, Dec. 15, 2005, 2005 CPD ¶ 224 at 3. Further, in considering the meaning of a solicitation provision, we will read it in the context of the solicitation and in a reasonable manner. Burns and Roe Servs. Corp., B-251969.4, Mar. 1, 1994, 94-1 CPD ¶ 160 at 7. We will not adopt a restrictive interpretation of a solicitation provision where it is not clear from the solicitation that such a restrictive interpretation was intended by the agency. M & M Ret. Enters., supra; International Data Prods., Commax Techs., Inc., B-275480.2 et al., Apr. 3, 1997, 97-1 CPD ¶ 179 at 4.

Here, we find that only the agency's interpretation of the solicitation requirements is reasonable, and thus have no basis to question the determination that LM's proposal met the requirement at issue here and was acceptable.

The record indicates that the antenna array in the current generation of target acquisition counter fire radars does not rotate and thus can only provide approximately 90 degree coverage; in order to cover more sectors, it is necessary to

deploy more radars. While rapidly mechanically rotating the antenna array would open up the potential for 360 degree coverage, realizing that potential would require overcoming a number of challenges, including a time interval during each rotation when the rotating antenna array does not have a particular target in sight. The record indicates that achieving useful coverage—that is, the ability of the radar to detect, classify and track inbound enemy projectiles and then accurately calculate the firing point—is more difficult for cannon shells and rockets than for mortar shells, because (depending upon the projectile) artillery shells and rockets have greater velocity, potentially more distant firing points, flatter trajectories (for rockets), and/or smaller radar cross-sections. Tr. at 20-29, 548, 557-61.

In support of its interpretation that the solicitation required 360 degree coverage for the more challenging cannon and rockets, as well as for mortars, NG points first to the history of the procurement. In this regard, at the Industry Day conference held by the agency on November 29, 2005 (5 months before issuance of the solicitation), CECOM advised attendees that “360 Degree Coverage is a Must to Fight the Current and Future Enemy”; with respect to artillery, CECOM’s presentation specifically called for the “EQ-36 Baseline Requirements Phase II” to include the “Best Capable” 360 degree coverage for artillery. Presentation of Product Manager for Radars, Enhanced Q-36 Radars Industry Conference (Presentation), Nov. 29, 2005, slides 9, 19. NG also notes that, on the day CECOM issued the final RFP, in response to a question with respect to the draft RFP concerning the preferred mode of operation, CECOM stated that “[t]he preferred mode of operation is 360 degrees for the mission period, 100% of the time.” Question No. 1. As for the final RFP itself, NG focuses primarily on language in the SOO stating that the EQ-36 system “shall provide increased capability over the existing AN/TPQ-36(V) 8, including 360 degree azimuth coverage against all threats at increased ranges.” SOO § 1. The protester asserts that these indications from the agency made it clear that the 360 degree requirement applied to cannon and rockets, as well as mortars.

Even assuming that NG reasonably interpreted the above language as setting forth an explicit requirement for 360 degree coverage for cannon and rockets in addition to mortars, NG’s interpretation failed to take into account the terms of the actual RFP. In this regard, as noted by the agency, the November 2005 presolicitation presentation specifically cautioned that the “Formal RFP will be the Controlling Document in the Event There is a Conflict or Ambiguity.” Presentation, Slide 4. The SOO in the final RFP clearly and unambiguously referenced the Performance Based Specification (PBS) as the document defining the performance requirements under the contemplated contract and, thus, the requirements with which offerors had to agree to comply, providing that “[t]he EQ-36 System is to be an enhancement of the aging target acquisition counter fire radar system AN/TPQ-36(V) 8, improving operational and physical functionality as defined in the [PBS],” and that “[t]he EQ-36 System shall perform as described in the [PBS].” SOO §§ 1.1, 1.4.

The PBS, read as a whole, does not require 360 degree coverage for cannon and rockets in order to be eligible for award. Section 3.3.4 of the PBS, entitled “Single Weapon Location Performance, 360 Degree Sector,” defined the required 360 degree capability for each of the procurement increments in terms of the required range, probability of location, and accuracy with respect to the enumerated weapons. That section provided generally as follows:

Increment 1: The EQ-36 System shall implement a 360 degree weapon location mode with minimum performance criteria.

Increment 2: In its 360 degree mode, the EQ-36 System shall meet the following performance requirements against mortar, cannon and rocket weapons in Table 2.

PBS § 3.3.4. The specific range requirements in the 360 degree mode were set forth in Table 2 as follows:

#### 3.3.4.1 Range

When operating in a 360 degree sector mode, the EQ-36 System shall locate mortar, cannon and rocket targets at the ranges listed in Table 2 below.

Weapon		Location Range (km)		
Type	Subtype	Increment 1*	Increment 2	Increment 3
Mortar	Light (60mm)		3 – 10	3 – 12
	Medium (81mm)	5*	3 – 12	3 – 14
	Heavy (120mm)		3 – 15	3 – 18
Cannon	Light (105mm)			5 – 25
	Medium (155mm)			5 – 32
	Heavy (8in)			5 – 32
Rocket	Light (107mm)			8 – 32
	Heavy (122mm)			15 – 40

\* As a minimum the Government will fire a single range with various aspect angles to validate 360 degree performance in Increment 1

**Table 2 360 Degree Range**

It is significant, we think, that the table includes no range requirements for cannon and rockets in Increment 1 or Increment 2; rather, the only range requirements for cannon and rockets were in the boxes for Increment 3, that is, the increment whose

“efforts represent future growth capabilities and are not mandatory.” PBS § 1. The obvious inference to be drawn from the absence of any Increment 1 or Increment 2 range requirements for cannon or rockets, when there were Increment 1 and Increment 2 range requirements for only mortars and Increment 3 ranges for cannon and rockets, is that there were no Increment 1 or Increment 2 requirements for 360 degree coverage for cannon or rockets. This interpretation is further strengthened by the language in the PBS regarding the 360 degree coverage probability of location requirements, which were described as follows:

#### 3.3.4.2 Probability of Location (PL)

Increment 1: The EQ-36 System shall have at least an 85 percent PL for each mortar firing point over the full 360 degree search sector.

Increment 2: The EQ-36 System shall have at least an 85 percent PL for each mortar firing point over the full 360 degree search sector.

Increment 3: If proposed the EQ-36 System shall have at least a 90 percent PL for each mortar, cannon and rocket firing point over the full 360 degree search sector.

PBS § 3.3.4.2. As with the PBS range requirements, the absence of any Increment 1 or Increment 2 probability of location requirements for cannon or rockets, when there were Increment 1 and Increment 2 probability of location requirements for only mortars and Increment 3 probability of location standards for cannon and rockets, again indicates that there were no Increment 1 or Increment 2 requirements for 360 degree coverage for cannon or rockets.<sup>2</sup>

This interpretation is strengthened further still by the contrast between the 360 degree range table in the final RFP and the table in the draft versions of the RFP. Specifically, the table in the January 13, 2006 draft RFP included the reference “TBD” (to be determined) or “TBD per contractor proposal” in the Increment 1 and 2 boxes for cannon and rockets, and the February 13, February 21, and April 6 draft RFPs contained the reference “Per Contractor Proposal” in those boxes. PBS § 3.3.4.1, Draft RFP. In our view, the replacement of the requirement contained in the PBS in the draft RFPs, for the contractor to insert a value for the range at which its radar would detect cannon and rockets in the 360 degree mode, with an empty box in the

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<sup>2</sup> In contrast to the above PBS provisions with respect to range and probability of location, which specifically identified the weapons for which coverage was to be provided, the PBS accuracy requirements referred only to levels of accuracy with respect to “the locations computed.” PBS § 3.3.4.3.

actual RFP could only reasonably be understood as indicating that whatever requirement may have existed in this regard in the draft RFPs had been eliminated.

Indeed, as noted by the agency, a fair reading of the contemporaneous record suggests that NG in fact understood that there were no Increment 1 or Increment 2 requirements for 360 degree coverage for cannon or rockets. In this regard, for example, an Item for Negotiation (IFN) issued by the agency with respect to NG's proposal to provide 360 degree coverage for cannon and rockets, requested NG to "[p]rovide justification that the EQ-36 system will meet the [Probability of Location] and Accuracy requirements for cannon and rockets in 360 degree mode over the ranges proposed in the Offeror's PS [Performance Specification] Table 5 360 Degree Range." NG responded, in part, that "[t]he cannon and rocket LFTM [Live Fire Test Matrix] cases demonstrate the ability for the 360-degree mode to have significant residual capacity against cannon and rockets beyond the Army mortar-only requirements." NG Response to IFN No. TTC2-0005.<sup>3</sup> Likewise, in presenting its proposed 360 degree approach in its FPR, NG acknowledged that "performance against cannons and rockets is not required until Increment 3 in the 360° mode," and further provided that "[a]lthough the Increment 2 requirements include only the mortar firings, the analysis [in NG Table 2.3.4-5] also included the cannon minimum range firings." NG Technical Approach, §§ 2.3.4.2, 2.3.4.4. It is clear from these exchanges with the Army that NG understood that there was no Increment 1 or Increment 2 requirement for 360 degree coverage for cannon and rockets. The integrity of the protest process does not permit a protester to espouse one interpretation of a solicitation during the procurement, and then argue during a protest that the interpretation is unreasonable. BST Sys., Inc., B-298761, B-298761.2, Dec. 1, 2006, 2006 CPD ¶ \_\_\_\_ at 6; AAI Eng'g Support, Inc., B-257857, Nov. 16, 1994, 95-1 CPD ¶ 2 at 3-4.

### Relative Evaluation

NG asserts that, even if CECOM was not required to reject LM's proposal based on the 360 degree requirement, it should have given NG's proposal a higher rating than LM's under the technical approach subfactor for offering 360 degree coverage for cannon and rockets in its baseline and other proposed enhancements.

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<sup>3</sup> The PBS included the Live Fire Test Matrix as an appendix. The matrix provided test parameters (describing each shot) to be used in evaluating radar performance against various mortars, cannon and rockets in both the 90 degree and 360 degree modes; in the 360 degree mode, the matrix provided test parameters both for mortars and, apparently in the event that an offeror proposed coverage beyond the PBS requirements, also for cannon and rockets. RFP, app. A, Live Fire Test Matrix-360 Degree Sectors.



As noted above, both proposals were rated as good under the technical approach subfactor; both proposals received 5 significant strengths and numerous strengths (23 for NG and 19 for LM). In this regard, NG's proposal received significant strengths for offering: (1) 360 degree coverage for cannon and rockets in its baseline; (2) [REDACTED]; (3) [REDACTED]; (4) [REDACTED]; and (5) a fully-active (solid state) phased array radar, thereby enhancing reliability and maintainability and offering good power efficiency. EQ-36 Source Selection Final Evaluation Results Presentation to the SSA, at 16-24; Assist Characteristic Report for EQ-36, NG.

Likewise, LM's proposal received five significant strengths on account of offering: (1) to base its EQ-36 radar on an actual, operational prototype target acquisition counter fire radar, the Multi-Mission Radar, Advanced Technology Objective (MMR-ATO), developed under contract to the Army and tested at the government's Yuma Proving Ground, rather than on parts of different types of radars as did NG; (2) [REDACTED]; (3) lower emplacement and displacement times, including [REDACTED] minutes to emplace the radar (versus [REDACTED] minutes for NG) and [REDACTED] minutes to displace the radar (versus [REDACTED] minutes for NG), thereby increasing the ability to keep pace with battlefield movements and increasing the survivability of the crew; (4) [REDACTED]; and (5) as with NG, a fully-active (solid state) phased array radar, thereby enhancing reliability and maintainability and offering good power efficiency. EQ-36 Source Selection Final Evaluation Results Presentation to the SSA, at 16-24; Assist Characteristic Report for EQ-36, LM.

NG primarily asserts that CECOM gave insufficient weight to its offer of 360 degree coverage for cannon and rockets in its baseline. According to the protester, its proposal should have been rated as superior to LM's under the technical approach subfactor.

The evaluation was reasonable. The statement of evaluation criteria in section M of the solicitation furnished only a general listing of the specific subfactors under the technical evaluation factor, describing them simply as the "Technical Approach Sub-factor," "Supportability Sub-factor," and "Management Sub-factor." RFP § M-4. However, section M also generally provided that in evaluating proposals under each technical subfactor, the agency would consider the feasibility of the proposed approach, including "[t]he extent to which successful performance is contingent upon proven devices and techniques that do not require significant Non-Recurring Engineering (NRE) and re-design." *Id.* Section M further cautioned that while the government "values greater technical capability early in the design," "any proposed additional capability (i.e. addressing Increment 2 requirements and/or Increment 3 future growth capabilities within the Increment 1 baseline) will be assessed for its associated risks along with successful delivery of Increment 1 requirements, which remains the Government's priority." *Id.* Similarly, as noted above, while the SOO provided that the EQ-36 system "shall provide increased capability over the existing

AN/TPQ-36(V) 8, including 360 degree azimuth coverage against all threats at increased ranges,” SOO § 1, the SOO cautioned that “schedule is a critical aspect of the EQ-36 program due to the urgent nature of the requirement,” and “[g]iven the need to quickly field a system to meet ongoing requirements, technically mature solutions shall be procured to meet existing and emerging needs.” SOO §§ 1.4, 3.6.

The record indicates that, while NG had proposed to include 360 degree coverage for cannon and rockets in its baseline, NG’s proposed solution was determined by the agency to be a “paper design” not yet built, in which parts of different types of radar, including [REDACTED], and for which there was only simulated and analytical data, with (unlike for LM) no empirical data derived from operation of the proposed system. Tr. at 79, 170-71, 323, 341, 379, 451, 581, 758-59. Although NG’s proposed 360 degree approach ultimately was rated as low to moderate risk after the agency gave it the “benefit of the doubt” based upon NG having furnished a “good paper,” the subject matter experts from Georgia Tech Research Institute who were advising the agency concluded that NG’s approach in fact entailed moderate risk, while the subfactor chairman for technical approach viewed the risk associated with NG’s proposal as closer to moderate risk. Tr. at 616-18, 626. In particular, according to the agency, the challenge of locating all types of weapons coupled with the limited detection opportunities in the 360 degree mode will require robust detection, tracking, identification and ballistic modeling algorithms; NG’s proposed approach therefore was determined to have a higher probability of issues arising during the test phase, which could require modification of the algorithms and further testing, thereby potentially placing in jeopardy NG’s ability to meet to required 30-month schedule for delivering the initial baseline EQ-36 systems. In other words, NG’s proposal to address all threats posed a higher risk to schedule. Tr. at 342-43, 619; Source Selection Evaluation Board (SSEB) Chairman, Nov. 17, 2006, at 8-9.

In contrast, as discussed above, LM based its EQ-36 radar on an actual, operational prototype target acquisition counter fire radar, the MMR-ATO, developed under contract with the Army, and which has demonstrated 90 degree and 360 degree counter fire target acquisition during testing at the government’s Yuma Proving Ground. Indeed, as noted by LM during discussions, not only was there extensive simulation of the MMR-ATO’s performance against cannons and rockets in 360 degree mode, but in addition, LM had undertaken “very limited field testing against cannons” at Yuma Proving Ground using the MMR-ATO which showed that the “system does provide some level of performance against some cannon and rocket trajectories.” LM Technical Approach Proposal at 1-3; LM Response to IFN No. TTB1-0137; LM Performance Risk Proposal at 57-60; Assist Characteristic Report for EQ-36, LM, at 21; SSEB Chairman, Nov. 17, 2006, at 7; Tr. at 78-79, 169-70, 323, 357-60. According to the SSA, the fact that LM was basing its proposed system on an existing, operational prototype target acquisition counter fire radar was “a tremendous risk mitigator” which gave the agency “confidence that this was a mature design and able to easily meet our schedule.” Tr. at 451. The SSA

accordingly viewed LM's approach in this regard to be "a tremendous significant strength." Id.

Given the stated emphasis in the solicitation on obtaining "technically mature solutions" and the "priority" placed upon successfully meeting a shortened schedule so as to "quickly field a system" to meet the agency's "urgent" requirement, we find no basis for questioning the agency's ultimate determination under the technical approach subfactor that proposing to include in an unbuilt design 360 degree coverage for cannon and rockets did not thereby render the proposal superior to a proposal based upon an actual, operational prototype target acquisition counter fire radar which had undergone testing at a government facility.

Nor has NG shown that other elements of its proposed solution represented a sufficient enhancement or otherwise were deserving of such additional credit, as to require the agency to find its proposal superior to LM's under the technical approach subfactor. For example, NG asserts that its proposal should have received a significant strength based on its approach to the requirement in section 3.16.1 of the PBS, entitled "Anti-Radiation Missile (ARM) Survivability," that the EQ-36 radar "be able to react to and protect against an ARM attack." In this regard, an ARM missile attacks radar by using its guidance system to hone in on radio frequency (RF) emissions by the radar. LM proposed to meet this requirement by ceasing emissions when notified that an ARM launch is imminent or in progress. LM Response to IFN No. TTB1-0057. LM's approach of turning off the radar was determined by the agency to be acceptable on the basis that it would end further RF transmissions that the ARM could use to locate the radar. Tr. at 351.<sup>4</sup> In contrast, NG proposed to [REDACTED] in order to continue operation in a degraded mode while reducing radar signature. NG Response to IFN No. TTC1-0082; SSEB Chairman, Dec. 6, 2006, at 11-12.<sup>5</sup>

Although the NG solution offered the possibility of continuing to operate the radar while at the same time [REDACTED], the agency was concerned that, by continuing to radiate RF energy, the radar would be vulnerable to detection by the ARM and the ARM's honing in on the radar's emission. The agency's concern in this regard was increased by the fact that, under the NG solution the radar [REDACTED], with the possibility that [REDACTED], the ARM would be able to hone in on the radar.

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<sup>4</sup> LM included with its IFN response an estimate of the probability of survival for the radar (assuming typical ARM characteristics) depending upon the distance from the radar the ARM is when the radar ceases RF emissions. LM Response to IFN No. TTB1-0057. LM's estimate indicated that the probability of the radar surviving was [REDACTED]. LM Response to IFN No. TTB1-0057.

<sup>5</sup> LM advised the agency that its radar offered a future growth capability to add [REDACTED]. See SSEB Chairman, Dec. 6, 2006, at 12.

Indeed, a consultant retained by NG in this matter conceded in his testimony that there might be times when the mission of counter fire was not critical, and the “smart decision” would be to turn off the radar. Tr. at 675. Furthermore, under NG’s approach there would be a [REDACTED]. The agency concluded that in these circumstances, given the risk to the radar and the [REDACTED] under NG’s proposed solution, that solution did not warrant assignment of a strength. Tr. at 51-60; 351-54; SSEB Chairman, Dec. 6, 2006, at 12; Agency Post-Hearing Comments, Dec. 21, 2006, at 11. Although NG challenges that conclusion, asserting that the risk to the radar is less than the agency believes, the protester has not shown that the agency’s concerns were unreasonable, and it has furnished no basis for our Office to question the agency’s determination not to award NG a strength in this regard. In conclusion, having considered NG’s various challenges to the evaluation under the technical approach subfactor, we find no basis to question the agency’s rating of both proposals as good under this subfactor.

## SUPPORTABILITY

NG challenges the evaluation of proposals under the supportability factor. In this regard, NG’s proposal was rated as only acceptable under the supportability factor, having received no significant strengths and two strengths, including: (1) a strength for furnishing [REDACTED]; and (2) a strength for proposing to invest in technology (using Office of Naval Research and Defense Advanced Research Projects Agency funding) in order to reduce life cycle costs (LCC) and the manning footprint. In contrast, LM’s proposal was rated as good under the supportability factor, with two significant strengths and two strengths, including: (1) a significant strength for design elements that reduced the logistics footprint and improved supportability, including [REDACTED] specific design improvements to the MMR-ATO radar upon which LM’s system was based, and a system configuration that [REDACTED]; (2) a significant strength for proposing [REDACTED]; (3) a strength for proposing [REDACTED]; and (4) a strength for proposing to achieve significant savings by [REDACTED].

NG asserts that the agency failed to credit a number of elements of its proposed approach with significantly reducing the logistics footprint of the radar system. Included among its arguments is the claim that the supportability evaluators unreasonably failed to consider information from other parts of NG’s proposal. Specifically, noting that the supportability evaluators were alerted to the significance of the LM system configuration by a technical approach evaluator, NG asserts that the supportability evaluators acted unfairly in limiting their review of NG’s proposal to the supportability volume of NG’s proposal, thereby failing to take into account relevant information regarding the design of NG’s system found in the technical approach volume. In any case, NG asserts, references to the assertedly relevant design features were also found in its supportability volume.

We have considered NG's several specific challenges to the supportability evaluation and find that they furnish no basis for questioning the overall determination that LM's proposal was more advantageous than NG's under the supportability subfactor. For example, NG asserts that it did not receive sufficient evaluation credit for its proposed mean time between failure (MTBF). In this regard, section 3.19 of the PBS, "Reliability," required the EQ-36 system to have a minimum MTBF of 185 hours in Increment 1 and 330 hours in Increment 2. NG, which included calculations in its proposal indicating that its design would ultimately have an MTBF of [REDACTED] hours, received a strength (with a low to moderate risk rating) under the technical approach subfactor for agreeing in its performance specification to an MTBF of [REDACTED] hours in its Increment 1 baseline. LM, which estimated that its system has an MTBF of [REDACTED] hours, but described a process by which the MTBF would be significantly improved to above [REDACTED] hours, also received a strength under the technical approach subfactor for agreeing in its performance specification to an MTBF of [REDACTED] hours in its Increment 1 baseline.

NG asserts that its proposal should have received a significant strength under the supportability subfactor because the increased reliability represented by the calculated MTBF of [REDACTED] hours for its design would contribute to reducing the logistics footprint for the radar system. Although the agency maintains that MTBF was to be evaluated only under the technical approach subfactor, and in fact the most extensive discussion of reliability for both offerors is to be found in the technical approach volumes of their proposals, LM Technical Approach Volume at 129-38, 165-66, NG Technical Approach Volume at 2-90 to 2-92; NG Response to Technical Approach IFN No. TTC1-0002, we believe that the agency's position fails to account for the fact that the instructions to offerors in section L of the solicitation directed that reliability be discussed both in the technical approach volume and in the supportability volume of their proposals. RFP § L-18. (Again, the evaluation criteria in section M of the solicitation provided little guidance in this regard.) Moreover, we note that, in the evaluation, the agency acknowledged that increased MTBF "would positively impact Supportability and Operational Availability." Assist Characteristic Report for EQ-36, NG, at 27. However, to the extent that NG's proposal may have been entitled to a strength for its MTBF under the supportability subfactor as well as under the technical approach subfactor, the protester has not shown that LM would not also be entitled to a strength under the supportability factor for agreeing to a [REDACTED] MTBF requirement. Moreover, we find reasonable the position of the SSEB that the fact that NG committed itself in its performance specification to an MTBF of only [REDACTED] hours indicated a lack of confidence in the [REDACTED] hours it predicted for its design, and that there thus was no basis for assigning NG's proposal a significant strength in this regard. SSEB Chairman, Nov. 17, 2006, at 12.

As a further example, we find unpersuasive NG's claim that it was entitled to more evaluation credit under the supportability subfactor because its estimate of the LCC

of its design (\$[REDACTED]) was lower than LM's (\$[REDACTED]). NG Supportability Volume at 8-10; LM Supportability Volume at 60. The SSEB technical supportability chairman testified that, not only were the estimates uncertain given the developmental status of the proposed systems but that, in any case, the great majority of the difference in estimated LCC for the systems resulted from LM's having used a higher estimate of the cost of the service personnel who would be operating and maintaining the systems, a matter that was in the control of the government and was not contractor-driven. Tr. at 208-14. NG has not shown these calculations to be in error, and we thus have no basis for questioning the evaluation in this area. We conclude that there is no basis to question the agency's determination that LM's proposal was superior to NG's under the supportability subfactor.

Given that the record supports the agency's determination that LM's proposal was technically superior to NG's, and since LM's evaluated cost/price was lower than NG's, the agency reasonably determined that LM's proposal represented the best value to the government.

The protest is denied.

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