



**Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

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**Matter of:** Technical & Administrative Services Corporation

**File:** B-279828

**Date:** July 24, 1998

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## **DIGEST**

1. Allegation that proposals were misevaluated is denied where record reflects merely that protester disagrees with evaluators' findings.
2. Allegation that discussions were inadequate is denied where protester's only adverse rating was addressed by a specific and appropriate discussion question.
3. Transition costs were not required to be included as part of price evaluation where solicitation did not call for consideration of such costs.

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## **DECISION**

Technical & Administrative Services Corporation (TADCORPS) protests the award of a fixed-price, indefinite-delivery, indefinite-quantity contract to RGI, Inc. under request for offers (RFO) No. RFO-15635-JFK, issued as a small business set-aside by the National Aeronautics and Space Administration (NASA) for training logistics services to support the agency's headquarters Training and Development Division (Code FT).<sup>1</sup> TADCORPS principally alleges that NASA misevaluated the proposals.

We deny the protest.

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<sup>1</sup>The solicitation also provides, unlike previous contracts which were limited to support for Code FT, that the contract resulting from the RFO would provide for support services on an agency-wide basis. TADCORPS is the incumbent Code FT contractor.

## BACKGROUND

The solicitation was issued on November 28, 1997. Technical proposals were to be initially evaluated to ensure that they satisfied the agency's baseline requirements as set forth in the performance work statement (PWS). Acceptable proposals were then to be evaluated against three factors in order to determine whether, and how much, value was to be added to the rating of the proposal. The value factors were: (1) relevant demonstrated experience and positive past performance in providing training logistics support; (2) direct experience and related higher education of proposed staff as well as capabilities in utilizing software packages currently used by Code FT and other industry standard software packages; and (3) the offering of improved response times, offices with proximity to Code FT, streamlined work processes, superior interfacing with various organizations, management flexibility and the elimination or minimization of rework. Award was to be made on a best value basis assessing the best combination of qualitative merit and price.

Five offers were received, one of which was immediately rejected for reasons not relevant here. The other four were priced as follows:

Offeror A	\$2.676 million
RGI	\$1.827 million
TADCORPS	\$5.362 million
Offeror B	\$8.000 million

The proposals of RGI and Offeror B were evaluated as having the highest technical merit. TADCORPS's proposal was rated third and Offeror A's last. All four were considered to have satisfied the agency's baseline requirements and were included in the competitive range. Oral and written discussions were held and four revised final offers were requested and received.

Final prices were as follows:

Offeror A	\$2.409 million
RGI	\$3.593 million
TADCORPS	\$3.979 million
Offeror B	\$6.724 million

Although Offeror A submitted the low-priced proposal, that proposal was eliminated because it was found to have offered the least added value. Offeror

B's proposal was found to have offered the most added value, but was eliminated because of its high price. In comparing the two remaining proposals, with respect to value factor 1 (corporate experience and past performance), RGI's proposal and TADCORPS's were found to be equivalent in terms of added value. With respect to value factor 2 (staff experience and education as well as software capability), RGI's proposal was found to have added more value than TADCORPS's. With respect to value factor 3 (improved response time, etc.), RGI's proposal was found to have added significantly more value than TADCORPS's. Based on these assessments, as well as the price differential, award was made to RGI. This protest followed.

## PROTEST AND ANALYSIS

TADCORPS protests the comparative evaluation of its proposal and the awardee's under value factor 2 with respect to staffing and competency with multiple software packages and under value factor 3 with respect to improved response time. TADCORPS maintains that the evaluations, as well as discussions, were unequal and, in the case of RGI's proposal evaluation, that the record does not support NASA's conclusions. TADCORPS also argues that the agency failed to properly consider the dramatic increase in RGI's final price and the fact that the awardee's proposal did not include transition costs.

It is not the function of this Office to independently evaluate proposals. Rather, the determination of the relative desirability and technical adequacy of proposals is primarily a matter of agency discretion, which we will not disturb unless it is shown to be without a reasonable basis or inconsistent with the stated evaluation criteria. Axion Corp., B-252812, July 16, 1993, 93-2 CPD ¶ 28 at 3. A protester's mere disagreement with the agency's evaluation is not itself sufficient to establish that the evaluation was unreasonable. ASR Management & Tech. Servs., B-252611, July 15, 1993, 93-2 CPD ¶ 22 at 6.

### Value Factor 2: Element Relating to General Staffing Qualifications

TADCORPS asserts that the agency lacked a reasonable basis for concluding that RGI's proposed staff was highly qualified and that, under this element in value factor 2, it was equal in value to the protester's proposed (incumbent) staff.

In its initial proposal, RGI described its staffing plan and included resumes of two individuals representing its management team plus three additional resumes. In addition, RGI proposed "a pool of twelve POCs [points of contact], with additional current staff designed to act as back-ups and POCs as scheduling dictates." In response to discussion questions, RGI submitted an additional four resumes with its final proposal. TADCORPS does not challenge the accuracy of these resumes nor does it assert that the individuals are not well qualified. Rather, the protester emphasizes that RGI did not identify specific personnel for specific tasks and

argues that the lack of specific designations means that NASA cannot be sure which, if any, of the persons whose resumes were submitted will be performing under the contract and at what level of participation.

The contract contemplated by the RFO is a task order contract and NASA states that it did not know its requirements with certainty prior to award. NASA points out that the solicitation did not require RGI to make the type of identification that the protester deems necessary, nor did the agency expect such particular designations. RGI properly proposed resumes from a pool of its own personnel that it anticipates will be available for contract performance. The group was highly rated overall. In the absence of anything in the record beyond the protester's disagreement with NASA's reliance on these resumes, we see no basis to disturb the evaluation in this regard. ASR Management & Tech. Servs, supra, at 6.

#### Value Factor 2: Element Relating to Competency With Multiple Software Packages

In its initial offer, TADCORPS emphasized its experience with the following software packages: MS Office, Raosoft, cc:mail, Eudora, Winsock, 3270 Emulation, Schedule+, Internet and World Wide Web Navigation, HTML and AdminSTAR. NASA evaluated TADCORPS's response as providing low overall added value with respect to this element of value factor 2.

NASA explains that Winsock, 3270 Emulation, and World Wide Web Navigation are not really software packages. The first is a network programming interface, the second is a communications protocol and the third is a statement implying general capability to use the Internet. MS Office and Raosoft were specified in the PWS and were therefore evaluated as providing some added value. The record reflects that TADCORPS also received credit for experience in using the other programs listed in its proposal, but not as much credit as the protester believes it should have received for AdminSTAR.

Discussions were held with TADCORPS on this subject, which included an indication by the agency of the de-emphasis in the future value of AdminSTAR. NASA also informed the protester that its proposed staff appeared to have only limited knowledge of and experience with state-of-the-art computer and automated training logistics applications. In response, TADCORPS reiterated the experience set forth in its initial proposal and essentially disagreed with the agency about the value of AdminSTAR. While TADCORPS disagrees with the agency's assessment of the value of its experience, nothing in the record shows that the agency acted unreasonably and we have no basis to disturb the evaluation. Id.

Likewise, TADCORPS disagrees with the agency's evaluation of RGI's proposal with regard to software experience. RGI's high rating was primarily due to experience with SPSS (Statistical Package for the Social Sciences)--which has data

analysis and manipulation capabilities directly related to the required PWS tasks--as well as JAVA, Webpainter, Freehand, KAI suite, Pagemaker and Photoshop. In its final comments, TADCORPS argues principally that, since RGI did not propose a definite key staff, its corporate experience with multiple software packages cannot be said to have satisfied the requirements of this element of value factor 2. TADCORPS also criticizes the agency's interpretation of what constitutes "industry standard software packages." This disagreement provides no basis for disturbing the evaluation. The agency notes that even if some of the disputed programs were not "industry standard," as TADCORPS insists, RGI would have still been rated higher than the protester for experience with standard programs such as Corel suite, StatPak, Mathematica and SPSS. In the absence of any cogent rebuttal to this assessment, we deny this aspect of the protest. Id.

### Value Factor 3

TADCORPS objects to the agency assessment that RGI's proposal provided significant added value under this factor. Concentrating primarily on RGI's offer to reduce response time by 20 percent where there are no interfaces with others outside RGI--for which the firm received credit--TADCORPS insists that the agency did not understand the qualification in RGI's proposal and, therefore, overscored RGI in this respect. TADCORPS submits that the qualification concerning when there would be a reduction in response time renders the proposed reduction meaningless.

The evaluation record belies TADCORPS's argument. Contrary to TADCORPS's assertion, while NASA's evaluators graded RGI's proposal highly for improved response time, they explicitly noted that this was for "most tasks," not all tasks. The record reflects that the evaluators recognized precisely what RGI was proposing and, notwithstanding the protester's disagreement about the significance of the qualification, the record provides no basis for disturbing the evaluation. Most importantly, TADCORPS's argument essentially ignores the fact that the high ranking for improved response time was only 1 out of 12 high rankings received by RGI under value factor 3.

Finally in this regard, TADCORPS asserts that there was an overemphasis on this factor, which should have been the subject of discussions or a solicitation amendment to indicate that it was not to be weighted equally with the other factors. The evaluation record shows, however, that each value factor was considered separately and without disproportionate weighting as TADCORPS suggests; rather, the agency simply took into account the degree of added value presented by RGI under the particular factor. Accordingly, this aspect of the protest is denied.

## Discussions

TADCORPS alleges that meaningful discussions were not held with respect to its staff qualifications, its software experience and its proposal for improved response time and suggests that RGI had more extensive discussions in these areas. Of the 10 staff members the protester proposed, 9 received a "high" rating and 1 received a "medium" rating. None were rated "low" or unacceptable." The firm was rated "low" for having a limited knowledge of state-of-the-art computer and automated training logistics applications; however, this rating was the subject of a specific discussion question. With respect to improved response time, TADCORPS was rated "high."

We review the adequacy of discussions to ensure that agencies point out weaknesses that, unless corrected, would prevent an offeror from having a reasonable chance for award. Brown & Root, Inc. and Perini Corp., a joint venture, B-270505.2, B-270505.3, Sept. 12, 1996, 96-2 CPD ¶ 143 at 6. An agency is not required to discuss every aspect of an offeror's proposal that receives less than the maximum score. DAE Corp., B-259866, B-259866.2, May 8, 1995, 95-2 CPD ¶ 12 at 4-5. Neither is an agency required to advise an offeror of minor weaknesses that are not considered significant, even where the weaknesses subsequently become a determinative factor between two closely ranked proposals. Brown & Root, Inc. and Perini Corp., a joint venture, supra. Contracting agencies have wide discretion in determining the nature and scope of discussions and their discretion will not be questioned unless it is clearly shown to be without a rational basis. PRB Assocs., Inc., B-277994, B-277994.2, Dec. 18, 1997, 98-1 CPD ¶ 13 at 5-6.

Here, there were no significant weaknesses in TADCORPS's proposal. Rather, with the exception of the "low" rating for software experience, the proposal received the best technical ratings possible. The "low" rating was the subject of a specific discussion question, as noted above, and, thus, there is no basis to conclude that the agency failed to conduct meaningful discussions.

## RGI's Final Price

TADCORPS alleges that NASA failed to question the large increase in RGI's price contained in its final offer. This allegation presumes that there was no apparent basis for the increase. RGI's final offer, however, states that staff loading was significantly revised to provide additional support and that these adjustments are reflected in the revised price. The record provides no basis to question the contracting officer's acceptance of this explanation.

Finally, TADCORPS argues that the evaluation was flawed because RGI's final price does not include any funding for transition costs to be incurred by the non-incumbent. There is no requirement that transition costs be evaluated in every procurement and they cannot be evaluated unless the solicitation provides for their

consideration. Intra-Med Servs., Inc., B-272012, Aug. 8, 1996, 96-2 CPD ¶ 59 at 4, n.4. To the extent that TADCORPS is objecting to the fact that the RFO did not require consideration of the costs of transition, the issue is untimely since it involves an alleged apparent solicitation defect which must be filed prior to the time set for receipt of proposals. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1998).

The protest is denied.

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