

**DECISION**

25014  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE:** B-210266**DATE:** May 3, 1983**MATTER OF:** Numax Electronics Incorporated**DIGEST:**

1. Where the evaluation of "experience" in a technical proposal is to be based on the experience of the personnel to be assigned to a contract, the resumes of those personnel included in the proposal must support the level of experience claimed in the text of the proposal.
2. A technical evaluation must be based on information contained in the proposal and, consequently, a pre-award survey is not a substitute for information that should have been included in an offeror's technical proposal.
3. Agency determination in the course of a technical evaluation that the proposal submitted by a small business concern does not demonstrate adequate experience or resource capability is an element of proposal evaluation, not a determination of nonresponsibility requiring referral to the Small Business Administration.

Numax Electronics Incorporated protests the rejection of the proposal it submitted in response to request for proposals (RFP) No. N00189-82-R-0430 issued by the Department of the Navy for technical and analytical support services. Numax contends that the Navy improperly applied the evaluation criteria set forth in the RFP, that the Navy should have referred its findings to the Small Business Administration (SBA) for a Certificate of Competency and that the findings of a pre-award survey of Numax should have been incorporated in the evaluation of its proposal. We deny the protest.

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The solicitation contemplates a cost-plus-fixed-fee contract for technical and analytical support for the 1985 Operational Effectiveness Demonstration of the functional segments of the program for Joint Interoperability of Tactical Command and Control Systems (JINTACCS). The support services include the development of data selection and analysis methodology, the provision of data collection training and the preparation of analysis reports.

The RFP disclosed that proposals would be evaluated on the basis of three factors, Technical, Experience and Resources, and set forth a number of specific subfactors under each factor. The three technical evaluation factors were designated as 5-2/3 times as important as cost in making award.

Prior to the submission of initial proposals, Numax expressed concern to contracting officials that the Experience subfactors seem to focus on corporate experience rather than the experience of individual personnel. The Navy responded with amendment 0004 which clarified the Experience factor, stating that experience "refers to personnel experience required within the cadre of personnel to be assigned under the contract. The experience must be addressed in individual resumes to be submitted as part of the technical proposal."

Four firms, including Numax, submitted proposals in response to the RFP. A Source Evaluation Board (SEB) evaluated the proposals and found Numax's proposal to be inadequate with respect to each of the three technical factors designated in the RFP. Consequently, the Navy rejected Numax's proposal as technically unacceptable. The Navy also found two other proposals to be technically unacceptable, leaving B.D.M. Corporation as the only technically acceptable firm.

Initially, Numax contends that the finding of technical unacceptability was premised upon an improper application of the Experience subfactors. Numax believes that the SEB ignored amendment 0004's emphasis on individual rather than corporate experience. Numax has not, however, specified in what way the evaluation is inconsistent with amendment 0004.

We find that Numax's contention is not supported by the record. In our view, the preponderance of the evaluation comments of the SEB relates to information contained in individual resumes or informational deficiencies of individual resumes, which is consistent with amendment 0004. Contrary to Numax's assertion, we find that the evaluation of the Experience section of the proposal was reasonable and consistent with the RFP and amendment 0004.

For example, under the subfactor JINTACCS Program experience, the SEB noted that the team leader had only 1 year of such experience, and the project manager and Senior Analyst had no JINTACCS experience at all. Similarly, the SEB found that the resumes indicated that only one staffer had experience in Operational Analysis, another subfactor. With respect to several other subfactors, the SEB found that the level of experience Numax claimed in the text of its proposal was not supported by the individual resumes submitted as a part of the proposal. We find that the focus of these evaluation comments is clearly on the experience of Numax's personnel and not on Numax's corporate experience.

Additionally, we point out that the Navy found Numax's proposal to be substantially inadequate in the other two evaluation categories. The SEB comments indicate that the inadequacies in these categories were wide-ranging and substantial. Numax has not specifically questioned the Navy's findings in these two evaluation areas. We believe that these findings, when viewed with the inadequacies perceived in the experience category, firmly support the Navy's finding of technical unacceptability. We conclude that the evaluation was reasonable and in accord with the evaluation criteria delineated in the RFP and amendment 0004. Media Works, Inc., B-204602.2, January 19, 1982, 82-1 CPD 42.

Numax next contends that a pre-award survey of Numax conducted by the Defense Contract Administration Services Area, Springfield, New Jersey, should have been considered by the SEB in evaluating Numax' proposal. The survey was apparently conducted 1 month after the closing date for receipt of initial proposals.

A technical evaluation must be based upon the information contained in the proposal, so that no matter how capable an offeror may be, it runs the risk of losing the competition if it does not submit an adequate proposal. Blurton, Banks & Associates, Inc., B-205865, August 10, 1982, 82-2 CPD 121. Thus, if the survey of Numax's premises was conducted in connection with this procurement (it is not clear from the record whether the survey Numax refers to was conducted with respect to this procurement or some other procurement), the use of the survey's results for evaluation purposes would be improper. Thus, Numax is misguided to the extent it believes the pre-award survey should be used as a substitute for information that should have been included in its written proposal.

Numax also argues that the RFP unreasonably limited technical proposals to 50 pages and that it could have supplied more complete and detailed resumes had the Navy requested it. To the extent Numax is complaining of the 50 page restriction, that complaint, since it is based on an alleged solicitation impropriety, should have been filed with our Office prior to the closing date for initial proposals. 4 C.F.R. § 21.2(b)(1) (1983). Since the protest was filed well after that date, we will not consider the reasonableness of the limitation.

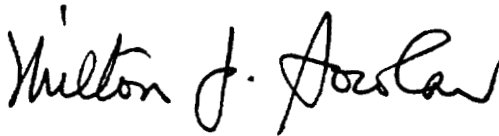
Last, Numax contends that the Navy's findings with respect to the Experience and Resources factors concern Numax's responsibility. Since Numax is a small business concern, it argues, these findings should have been referred to the SBA for a Certificate of Competency determination.

Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7)(Supp. IV, 1980), no small business concern may be denied an award because of nonresponsibility without referral by the agency to the SBA for a final disposition. However, some matters which may bear on responsibility may be also considered as part of a technical evaluation when negotiation procedures are used if the agency has a legitimate need to make a comparative evaluation of responsibility-type factors. Thus, when such factors are identified in an RFP as being on proposal evaluation, as was the case here, a finding of technical unacceptability is only a question of proposal evaluation and is not a nonresponsibility determination requiring

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referral to the SBA. See R. H. Ritchey,, B-205602, July 7, 1982, 82-2 CPD 28.

The protest is denied.

*for*   
Comptroller General  
of the United States