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**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: CISGi
File: B-407101
Date: November 6, 2012

Michele Dyson for the protester.
Benjamin Klein, Esq., National Science Foundation, for the agency.
Susan K. McAuliffe, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester's challenge of agency's evaluation is denied where record shows that the evaluation was reasonable and consistent with terms of solicitation.

DECISION

CISGi, of Rockville, Maryland, protests the award of a contract to World Technology Evaluation Center, Inc. (WTEC) of Baltimore, Maryland, under request for proposals (RFP) No. DACS11P2187, issued by the National Science Foundation (NSF) for support services for the National Nanotechnology Coordination Office (NNCO). The protester challenges the agency's evaluation of its proposal.¹

¹ CISGi also generally asserted, without any factual or legal support, that the agency had improperly favored WTEC in making the award decision. This allegation did not state a valid basis for protest. See 4 C.F.R. §§ 21.1(c)(4), 21.5(f) (2012). For the first time in its comments on the agency report responding to the protest, the protester asserted that the agency had favored WTEC because, at its debriefing, the protester was allegedly told by agency personnel that WTEC was considered to be the only reliable source. This particular argument is untimely and will not be considered since it was not filed within 10 days of the debriefing. See 4 C.F.R. § 21.2(a)(2). CISGi also, for the first time in its comments, argued that WTEC should have been excluded from the competition due to an impermissible conflict of interest. In this regard, CISGi cites the fact that WTEC has been the incumbent contractor (and more recently an interim sole-source contractor) supporting the NNI for an extended period. This contention is also untimely, since it was first raised in the protester's comments on the agency report, more than

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We deny the protest.

BACKGROUND

The NNCO provides technical and administrative support to the Nanoscale Science, Engineering and Technology Subcommittee (NSET), which coordinates the National Nanotechnology Initiative (NNI), an interagency program supporting the discovery, development and deployment of nanoscale science, engineering and technology. RFP at 9-10; Agency Report (AR), Tab 7, Selection Statement at 1. The RFP, issued on November 9, 2011, anticipated the award of a time and materials contract for a 1-year base period and four 1-year option periods, to provide comprehensive and integrated support services to the NNCO.²

The solicitation provided that award was to be made to the offeror determined to have submitted the proposal offering the best value to the government considering the following factors, listed in descending order of importance: technical, past performance, price, and extent of participation of small disadvantaged business concerns. RFP at 61, 65-66. The factors for technical and past performance, combined, were to be significantly more important than price. Id. at 65.

Under the technical factor, the RFP provided for the evaluation of three subfactors: management plan, personnel qualifications, and understanding of the requirements. Id. at 61-62, 65-66. Regarding the management plan subfactor, offerors were to provide an overall plan for managing and staffing all phases of the required effort, and provided that the agency would evaluate the degree to which each offeror's proposed plan established "well-defined lines of authority, responsibility, and

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10 days after its debriefing when the protester knew, or should have known of its basis for protest. CISGi knew, or should have known, of WTEC's incumbency as early as December 5, 2011, since the information was included in an RFP amendment, and, the protester was notified of the award on June 22. Moreover, we note that WTEC's experience with NNI and NNCO is readily available from NNI-related internet sources, including WTEC's own website. A protester is obliged to diligently pursue information that may provide a basis of protest. See Professional Rehab. Consultants, Inc., B-275871, Feb. 28, 1997, 97-1 CPD ¶ 94 at 2.

² According to the RFP's statement of work, tasks include support of the NSET, nanotechnology working groups, NNI initiatives and industry/state/NNI/NNCO interactions, NNI workshops regarding emerging nanotechnology topics, communications and public outreach, information technology, document preparation/publication, financial management, and office management. RFP at 10-21.

communication.” Id. at 66. With respect to the personnel qualifications subfactor, the RFP required that the agency consider the experience of senior personnel in administering complex and dynamic projects, as well as the mix of education, experience and training of the proposed staff. With respect to the understanding subfactor, the RFP provided that the agency would consider the thoroughness, soundness and detail of the proposal and the degree to which it demonstrated the offeror’s understanding of the RFP’s requirements, the NSF working environment, and the role of the coordination offices and NNCO in furthering NNI’s mission.³ Id. at 61, 65. The RFP also advised offerors that, under the past performance factor, proposals would be evaluated based on the firm’s performance of recent relevant (assessed in terms of similar size and scope) contracts. Id. at 62, 66. Price was to be evaluated for reasonableness. Id.

In response to the solicitation, the agency received proposals from CISGi and the incumbent contractor, WTEC. The agency held two rounds of detailed discussions with both offerors, then received and evaluated final proposal submissions. In its evaluation of the protester’s proposal the agency noted several strengths and weaknesses; whereas the agency assigned WTEC’s proposal only strengths. The agency rated CISGi’s proposal as “fair” overall under the technical evaluation factor and “neutral” under the past performance factor.⁴ The agency rated WTEC’s proposal as “very good” overall under the technical factor and “very good” under the past performance factor.⁵ Final Technical Evaluation Report at 5. CISGi’s price (\$9,623,995.56) was slightly lower than WTEC’s price (\$9,722,301.73). Finding that the merits of the technically superior WTEC proposal warranted the payment of the 1-percent cost premium associated with an award to WTEC, the agency selected WTEC for award. This protest followed.

³ The answer to a prospective offeror’s question about the importance of having knowledge of the NSET and the related working groups further instructed offerors that while the RFP contained task-based information about the type of administrative support, the NNI website provided information about NSET and the work of the entities to be supported; offerors were advised proposals would be assessed in light of that available information. RFP Amend. No. 1 at 2.

⁴ Since the protester’s proposal provided past performance information about contracts smaller in size and scope than the one that is to be awarded here, it was rated neutral for past performance. The protester is incorrect in contending that the RFP did not require past performance information of contracts similar in size and scope. Id. at 62, 66.

⁵ The agency’s evaluation plan provided adjectival ratings (ranging from poor to excellent) where, generally, a rating of fair indicated weaknesses outbalanced strengths, and very good indicated strengths outbalanced weaknesses. Id. at 3; AR, Tab 7, Selection Statement at 2.

DISCUSSION

CISGi contends that the agency's evaluation of its proposal was improper and that it should have been rated higher under the technical factor.⁶ In reviewing protests of alleged improper evaluations and source selection decisions, it is not our role to reevaluate proposals. Rather, we will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's obligation to submit an adequately written proposal for the agency to evaluate, United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19, and a protester's mere disagreement with the evaluation is not sufficient to render it unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7. We have closely reviewed each of the protester's contentions and find that none of the challenges provides a basis to sustain its protest. We address the following illustrative examples.

Regarding the management plan subfactor, CISGi generally challenges the reasonableness of the agency's finding that its proposal failed to sufficiently explain how its management plan directly applied to the work of the NNCO and interaction with NNI agencies. CISGi primarily argues that this weakness is in direct conflict with a strength cited by the agency stemming from CISGi's management plan's organizational structure, work approach and software tools.

Our review confirms that the above findings are not inconsistent. Specifically, the strength noted by CISGi was based on the overall comprehensive nature of its generally applicable management plan. The weakness at issue, however, stems from the agency determination that CISGi's general plan was not sufficiently tailored to the solicitation's requirements. In this regard, the agency found that CISGi's plan "did not explain well the relationship of the management plan to the NNCO tasks, or the relationship of the plan to interaction with agencies" and that it "does not display an understanding of [the] process . . . oriented focus of the NNCO and NNI agencies." AR, Tab 7, Selection Statement at 7. The record reflects that in assessing this weakness, the agency expressly recognized that CISGi's plan was, as a general matter, "logically and strongly tailored to manage projects." Id. We have no basis to find the agency's findings to be in conflict, or otherwise unreasonable.

⁶ In its comments on the agency report, CISGi abandoned several of the evaluation weaknesses cited in the firm's debriefing, for which it had initially expressed disagreement. Since the contentions were abandoned, they will not be discussed further in this decision. See The Big Picture Co., Inc., B-220859.2, Mar. 4, 1986, 86-1 CPD ¶ 218 at 5.

In a similar manner, CISGi argues that the agency's concerns regarding its software system as potentially limiting direct communication and requiring additional layers of planning are in conflict with the agency's finding that CISGi's inclusion of a comprehensive software system was a strength. Again, the record reflects that the strength identified with respect to CISGi's proposal stemmed from CISGi's general approach, whereas the weakness at issue concerned the specific application of that approach. Thus, we do not perceive any conflict and have no basis to find the agency's evaluation unreasonable.

Under the personnel qualification's subfactor, CISGi challenges the agency's finding that its project manager did not demonstrate experience managing tasks as large and as complex as those required by RFP. According to CISGi, this finding was inconsistent with the finding that its program manager warranted a strength since he "has direct government, NNCO, and NSF experience, as well as nanotechnology, and industry experience." AR, Tab 7, Selection Statement at 8. CISGi's contention is without a basis since the cited strength does not concern the basis for the weakness at issue, namely the size of the tasks previously managed by CISGi's program manager. To the extent CISGi argues that it was improper for the agency to consider whether its program had experience with similarly large contracts, the protester is mistaken. The personnel qualifications subfactor reasonably encompassed such an evaluation where it established that the agency would evaluate all personnel to ensure that they have "the appropriate mix and balance of education, experience, and training in order to provide the services required." RFP at 65. Thus, we have no basis to question the reasonableness of the agency's evaluation in this regard.

In sum, CISGi's protest does not provide a basis to question the reasonableness of the agency's determination that WTEC's technically superior proposal, at a proposed price 1-percent higher than the protester's substantially lower-rated proposal, presented the best value for award.

The protest is denied.

Lynn H. Gibson
General Counsel