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Decision

Matter of: Electronic Interiors Inc.

File: B-405576

Date: November 18, 2011

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DIGEST

Protest challenging agency's evaluation of protester's proposal is denied where the record shows that the agency reasonably performed its evaluation in accordance with terms of the solicitation.

DECISION

Electronic Interiors, Inc. (EII), of Saint Paul, Minnesota, protests the failure of the U.S. Judiciary, Administrative Office of the U.S. Courts (AOUSC) to select it as one of the firms with which to negotiate a contract under solicitation No.

USCA-10-R-0140, for the evaluation, design, and installation support of courthouse technology electronic systems in new and existing U.S. courthouses. The protester argues that the agency's evaluation of its proposal was flawed.

We deny the protest.

This procurement was conducted pursuant to the Brooks Act, 40 U.S.C. § 1101 *et seq.* (2006) and its implementing regulations, Federal Acquisition Regulation (FAR) subpart 36.6. In accordance with these regulations, on August 30, 2010, the agency posted a solicitation on the Federal Business Opportunities website inviting interested firms to submit a completed Standard Form (SF) 330, Architect/Engineer (A/E) Qualification, also referred to as a proposal. The solicitation contemplated the award of multiple indefinite-delivery/indefinite-quantity A/E contracts for various services involving the evaluation, design, and installation support of courthouse technology electronic systems in new and existing U.S. Court projects in any part of

the U.S. and its territories. The awarded contracts are to have a base period of approximately one year and four 1-year options.

Electronic systems, as defined by the solicitation, include “audio systems, integrated audio and video systems, video conferencing, telephone systems, and coordinated wiring and cable design for all courthouse technology programs.” Solicitation at 1. The solicitation further indicated that projects and related tasks may consist of the following:

[C]onferences and interviews with appropriate Court officials; field investigation and analysis of existing conditions; acoustical analysis and other studies; cost and technical feasibility studies, including the evaluation of existing equipment and the feasibility of its integration or abandonment; proposing design strategies within known funding availability; development of design and performance specifications and related drawings; preparing design and installation schedules; monitoring and reporting individual and overall project cost, schedule, and administrative data; preparation of Government cost estimates; evaluating installation proposals; providing technical assistance and installation support; reviewing requests and change orders; and preparation of performance evaluations and recommendations for Government acceptance of installed systems or components for technical acceptance and completeness.

Id.

The solicitation listed, in descending order of importance, the following evaluation criteria: (1) professional qualifications necessary for satisfactory performance of the required services; (2) specialized experience and technical competence of the firm with courthouse technology electronic systems; (3) capacity to accomplish the work in the required time; and (4) past performance on contracts with the judiciary, other government entities, and/or private industry concerning cost control, quality of work, and compliance with performance schedules.

Proposals were to be evaluated under each criterion as exceptional, fully qualified, marginal, or unacceptable, and then assigned an over-all rating. After completing the evaluations, the agency would seek to negotiate fair and reasonable pricing with the most highly-rated firms.

AOUSC received SF 330s from 26 firms, including the protester. The agency evaluated EII’s proposal as marginal under the two most important criteria and as fully qualified under the two least important, for an over-all rating of marginal. The agency elected to commence price negotiations with the nine firms whose proposals had been rated either excellent or fully qualified overall. The agency notified EII that it was not one of the firms that would be continuing in the competition, and this protest followed.

EII challenges numerous aspects of the agency's evaluation of its proposal under the first two criteria.¹ As discussed below, we see no merit to the arguments.

In reviewing protests of alleged improper evaluations, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws. L-3 Commc'ns Westwood Corp., B-295126, Jan. 19, 2005, 2005 CPD ¶ 30 at 5. It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency. CACI Techs., Inc., B-296946, Oct. 27, 2005, 2005 CPD ¶ 198 at 5. In this regard, an offeror must affirmatively demonstrate the merits of its proposal and risks the rejection of its proposal if it fails to do so. HDL Research Lab, Inc., B-294959, Dec. 21, 2004, 2005 CPD ¶ 8 at 5.

Here, with regard to factor 1, professional qualifications necessary for satisfactory performance of the required services, the agency found that EII had listed projects for its key personnel, indicating their experience with various courts. EII did not, however, "elaborate on what work was done, what design services were offered or what they offered/brought to the table as experts," nor did they "articulate any specifics that demonstrate what they do or do not have expertise in." AR, Tab C, EII Consensus Evaluation at 1. Moreover, the agency noted that EII did not provide information regarding cable or telephone experience. Id. Similarly, regarding factor 2, specialized experience and technical competence of the firm with all of the Courthouse Technology electronic systems described in the solicitation, the agency found that the information provided by EII was overly brief and did not provide the technical evaluation panel with adequate substantive information. Legal Memo at 4. Specifically, the consensus evaluation report states that, while EII listed various projects in its SF 330, EII did not provide "the scope, duties performed, the details of

¹ The protester also disputes the agency's evaluation of its proposal under the two least important evaluation factors, for which the proposal received ratings of fully acceptable. Competitive prejudice is an essential element of a viable protest; we will not sustain the protest unless the protester establishes a reasonable possibility that it has been prejudiced by the agency's actions. Armed Forces Hospitality, LLC, B-298978.2, B-298978.3, Oct. 1, 2009, 2009 CPD ¶ 192 at 9-10. Because, as discussed below, we see no merit to the protester's challenges to the agency's evaluation of its proposal as marginal under the two most important factors, we see no reasonable possibility that the protester suffered any prejudice as a consequence of the alleged errors in the agency's evaluation of factors 3 and 4. In this regard, the record does not demonstrate that a proposal rated marginal for the two most important evaluation factors would have received an overall evaluation better than marginal. In any event, we have reviewed the protester's other allegations and find them, as well, without merit.

the project or a demonstration of their ability.” AR, Tab C, EII Consensus Evaluation at 1. In addition, the agency found that EII failed to discuss its experience with cabling or telephone projects, so that the technical evaluation panel was unable to identify any EII experience in those areas. Id.

As an initial matter, the record reflects that the protester submitted a bare-bones proposal. In describing the experience and qualifications of its various key personnel, EII simply repeated the same generic statement for each representative project--“designed electronic systems technology.” EII SF 330 at 3-6. Similarly, for each project example provided by EII to illustrate its team’s qualifications, EII again, generically repeated the same project description--“designed electronic systems technology.” EII SF 330 at 7-16. EII faults the format of the SF 330 for precluding more comprehensive responses. See Protest at 7 (noting that “[o]fferors were only allowed to submit their information within the confines of the SF 330”), and 11 (noting that the SF 330 “does not lend itself to the lengthy descriptions that the AOUSC would seem to require . . . the amount and type of information able to be conveyed is fixed”).

We note that the protester’s failure to submit a more detailed proposal may have stemmed from its decision to use a PDF version of the SF 330 form as opposed to completing the Microsoft Word-based version of the form, both of which are available on the General Services Administration’s (GSA) website.² The Microsoft-based version states the following: “The Word version of this form is intended as a totally flexible document to allow for photos, charts, and varying lengths of text. It is NOT intended to look like the pdf version. Information requested is identical.”³ (Emphasis in original). Other offerors made use of the Word version to submit lengthy, illustrated, and informative proposals, in stark contrast to the proposal submitted by EII.⁴

In any event, regarding factor 1, the protester argues that some of its key personnel achieved industry-recognized certifications, and that those certifications should have satisfied the agency’s desire to know what work these individuals had done, what design services they offered, and what the experts had contributed to the listed

² The solicitation instructed interested firms to submit a SF 330, which was available online at GSA’s website, <http://www.gsa.gov>, and to provide four identical hard copies, as well as one copy in electronic format that could be viewed using Microsoft Office 2007.

³ See <http://www.gsa.gov/portal/forms/download/21DBF5BF7E860FC185256E13005C6AA6>.

⁴ We also note that the PDF version of the SF 330 allows firms to submit additional information under section H. EII chose not to submit any additional information under this section of the form.

projects. See Comments at 3-4. While the protester correctly identifies the certifications listed for its personnel, these certifications simply do not convey any information regarding the specific work actually performed by its key personnel on the particular projects listed. Rather, the only information regarding the particular projects listed for EII's key personnel was, as noted above, the following statement: "designed electronic systems technology." There simply was no basis for the agency to have inferred from the certifications of EII's key personnel the type of information that EII failed to include in its proposal.⁵

Regarding factor 2, EII maintains that the examples and descriptions of relevant projects should have warranted a higher rating than marginal. Again, however, the project descriptions provided by EII were generic and contained no meaningful detail regarding the scope of the projects performed. This was in contrast to the myriad of tasks to be performed as established by the terms of the solicitation. Moreover, EII did not rebut the agency's finding that it failed to specifically address its experience with cabling or telephone projects. Given the record in this case, we have no basis to conclude that the agency unreasonably evaluated EII's proposal under factor 2.

The protest is denied.

Lynn H. Gibson
General Counsel

⁵ The agency report also identified other issues with the protester's proposal under the first evaluation factor, specifically, that the solicitation required the submission of an organizational chart, yet EII submitted a hierarchical list, and that EII failed to submit resumes for two key personnel, who were subcontractors. Notwithstanding the protester's arguments to the contrary, we conclude that the agency's evaluation concerns were reasonably based.