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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Bernardo Technical Services, Inc.

File: B-407422

Date: November 13, 2012

Laura Barish, for the protester.

Lisa L. Baker, Esq., United States Marine Corps, for the agency.

Kenneth Kilgour, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency's best value trade off was unreasonable is denied where there is no merit to the protester's assertion that the best value to the government could be determined by an algebraic formula.

DECISION

Bernardo Technical Services, Inc. (BTSI), of San Diego, California, protests the award of a contract to Gemini 3 Group, Inc. (Gemini 3), of Stafford, Virginia, by the U.S. Marine Corps, Marine Corps System Command, under request for proposals (RFP) No. M67854-12-R-0510 for technical, analytical, and programmatic support. The protester asserts that the agency's best value tradeoff was unreasonable.

We deny the protest.

As relevant to this protest, the RFP advised all offerors that award would be made to the firm whose proposal was determined to offer the best value to the agency, considering technical, past performance, and price. RFP at unnumbered page 11. Technical and past performance, when combined, were equal to price. Id. at unnumbered page 13.

The agency received proposals from five offerors, including the protester and the awardee. The table below summarizes the agency's evaluation of BTSI's and Gemini 3's proposals.

Offeror	Technical	Past Performance	Price
Gemini 3	Exceptional	Low Risk	\$2,235,928.04
BTSI	Acceptable	Low Risk	\$1,945,977.73

The agency determined that Gemini 3's higher-rated and higher-priced proposal represented the best value to the government and made award to that firm. This protest followed.

BTSI contends that the agency deviated from the solicitation's stated evaluation scheme when it failed to recognize the supremacy of price in the source selection scheme. BTSI describes the RFP's trade-off methodology as "simple math;" "A+B=C," the protester argues, where A is technical, B is past performance, and C is price. Response to Request for Dismissal at 1. The two proposals from BTSI and Gemini 3 were awarded the same adjectival rating for past performance. Gemini 3's proposal was higher technically rated, while BTSI's proposal was lower priced. Because price was more important than technical, BTSI asserts, the agency was required by the terms of the solicitation to select its lower-priced proposal. Instead, the protester argues, the agency violated the simple mathematical equation by selecting the more technically higher-rated proposal; rather than A plus B equaling C, "A would then have to equal C," BTSI contends. Id.

We disagree. It is well settled that adjectival ratings are merely a guide to intelligent decision-making, and it is generally improper for an agency to rely on a purely mathematical or mechanical price-technical tradeoff methodology. Master Lock Co., LLC, B-309982.2, June 24, 2008, 2009 CPD ¶ 2 at 10. Moreover, even where technical and price factors are to be weighted equally, equal weight need not be given to the differential between technical ratings and the differential between proposed prices. See IBP, Inc., B-289296, Feb. 7, 2002, 2002 CPD ¶ 39 at 5-6. Rather, the source selection official must exercise reasonable business judgment regarding the significance of the differences and what the technical differences between competing proposals might mean to contract performance. Id. Agencies enjoy discretion in making cost/technical tradeoffs where the solicitation provides for the award of a contract on a best value basis; the agency's selection decision is governed only by the test of rationality and consistency with the solicitation's stated evaluation scheme. Marine Hydraulics Int'l, Inc., B-403386.3, May 5, 2011, 2011 CPD ¶ 98 at 4.

Here, the protester urges this Office to adopt just such a disfavored mechanical tradeoff methodology, and we decline to do so. Under the protester's mechanical trade-off methodology, the agency would be required to select an offeror whose proposed price was one dollar less than another offeror's, even if the prospective awardee's proposal was substantially lower-rated technically, which is clearly an

absurd result. Here, we see no abuse of agency discretion where the Marine Corps reasonably selected a more highly technically rated proposal over one that was moderately lower in price.

The protest is denied.¹

Lynn H. Gibson
General Counsel

¹ In its comments on the agency report, the protester for the first time asserts that the agency improperly evaluated its proposal. Comments, Nov. 5, 2012, at unnumbered page 4. This allegation, based on information contained in the September 21, 2012 debriefing, was filed more than 10 days after the basis for it was known and is thus untimely. 4 C.F.R. § 21.2(a)(2).