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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Cambridge Project Development, Inc.

File: B-409451

Date: April 29, 2014

Adrian Enriquez, Cambridge Project Development, Inc., for the protester.
Anna T. Katselas, Esq., U.S. Trade and Development Agency, for the agency.
Gary R. Allen, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's evaluation of the protester's technical proposal and the source selection decision is denied where the record shows that the evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement statutes and regulations.

DECISION

Cambridge Project Development, Inc., of Miami, Florida, protests the award of a contract to Niessen Consultants, of Andover, Massachusetts, under request for quotations (RFQ) No. PO201421060, issued by the U.S. Trade and Development Agency, for a feasibility study.

We deny the protest.

BACKGROUND

The RFQ,¹ issued on December 23, 2013 as a small business set-aside, commercial item acquisition in accordance with Federal Acquisition Regulation (FAR) Part 12 and 13 procedures, sought to award an 8-month contract on a fixed-price basis to a contractor who would perform a feasibility study, or "desk

¹ We note that although the agency issued an RFQ, both the document and the agency use terminology referencing "offerors" and "proposals." To avoid confusion, in this decision we adopt the use of these terms.

study,” to help the agency assess whether to fund the Bethlehem biomass and waste-to-energy project in the West Bank territory. RFQ at 1-3; Scope of Work (SOW) at 1. The RFQ required the desk study contractor to perform the following eight key items:

- (1) Preliminary assessment of project viability
- (2) Evaluation of project financing/implementation
- (3) Verification of U.S. industry competitiveness
- (4) Assessment of foreign competition
- (5) Preliminary environmental and developmental impact statement
- (6) Analysis of U.S. labor impact
- (7) Terms of reference and budget review/development
- (8) Final Report

SOW at 2.

The RFQ stated that award would be made to the responsible offeror whose proposal was determined to represent the best value to the government considering the following evaluation factors, listed in descending order of importance: technical, past performance, and price. RFQ at 3. The technical factor consisted of three subfactors, also listed in descending order of importance: relevant technical experience on similar projects in the sector and region; professional and educational background to assess project financial viability in this sector; and quality of proposal. Id. The RFQ stated that all of the non-price factors, when combined, were significantly more important than price. Id.

Cambridge and Niessen submitted timely proposals. The ratings for each proposal were as follows:

	Niessen	Cambridge
Technical Experience on Similar Projects	Outstanding	Outstanding
Professional & Educational Background	Outstanding	Outstanding
Quality of Proposal	Outstanding	Good
Past Performance	Outstanding	Outstanding
Price	\$9,980	\$9,700

AR, Tab 10, Source Selection Decision, at 1.

As noted in the table above, the agency found Cambridge’s proposal to be equal to Niessen’s in every factor and subfactor, except for the quality of proposal subfactor.

There, Cambridge's proposal received a lower rating because the firm did not adequately address most of the eight key items identified in the SOW. AR, Tab 9, Evaluation Summary, at 5. By contrast, the agency noted that Niessen had addressed all of the listed items, and thus the agency assessed Niessen's proposal as outstanding under this technical subfactor. Id. at 3.

In the best value determination, the agency recognized that Niessen "demonstrated a more comprehensive understanding of the solicitation requirements and provided a clearer approach for addressing all of the key elements of the solicitation" than Cambridge. AR, Tab 10, Source Selection Decision, at 3. The agency determined that the superiority of Niessen's proposal was worth the \$280 difference in price, and it selected Niessen for award. This protest followed.

DISCUSSION

Cambridge challenges the agency's evaluation and best value determination. The protester contends that it should have been selected for award because it is more qualified than the awardee and it submitted a lower-priced proposal. The protester also disputes the agency's finding that the firm failed to adequately address requirements under one of the technical subfactors--quality of proposals.

When using simplified acquisition procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition, and it must evaluate quotations in accordance with the terms of the solicitation. Emergency Vehicle Installations Corp., B-408682, Nov. 27, 2013, 2013 CPD ¶ 273 at 4. In reviewing a protest of an allegedly improper simplified acquisition evaluation, we examine the record to determine whether the agency met this standard and exercised its discretion reasonably. DOER Marine, B-295087, Dec. 21, 2004, 2004 CPD ¶ 252 at 3. A protester's mere disagreement with the agency's judgment does not establish that the evaluation was unreasonable. DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2.

With respect to Cambridge's argument that it was more qualified than Niessen, the record shows that the agency evaluated both firms' relevant technical experience on similar projects in the sector and region (first technical subfactor) and their professional and educational background to assess project financial ability in this sector (second technical subfactor) in accordance with the RFQ. See RFQ at 3. In this regard, the agency noted that Niessen had more than 50 years of experience with waste-to-energy projects throughout the world, as well as specific experience in performing similar desk studies for the agency. AR, Tab 9, Evaluation Summary, at 3. Similarly, the agency recognized that Cambridge had more than 30 years of experience in developing and designing waste-to-energy and biomass facilities throughout the world, as well as relevant experience performing a similar desk study project for the agency in Pakistan. Id. at 5. Both firms' proposals were found to have included personnel with relevant educational background and training. Id.

at 3, 5. The agency determined that it had “significant confidence in both offerors’ ability” under both technical subfactors, and it therefore assigned both proposals the highest possible ratings (outstanding) under these subfactors. AR, Tab 10, Source Selection Decision, at 2.

Although the protester claims that it has more years of experience than Niessen based on the cumulative years of experience of the experts Cambridge works with, we fail to see how this necessitated that Cambridge receive higher evaluation ratings. In this regard, Cambridge already received the highest possible ratings (outstanding) under both technical subfactors, and the record also fully supports the outstanding ratings given to Niessen. The RFQ did not require that Cambridge receive a higher rating than Niessen based on years of experience, where, as here, both firms had decades of relevant experience and the professional and educational background to support outstanding ratings.

Next, Cambridge argues that the agency misevaluated its proposal under the third technical subfactor (quality of proposal), where the agency rated the proposal good rather than outstanding because the firm did not adequately address all of the elements in the SOW. Protest at 1.

As noted above, the SOW required each offeror to describe its approach to the desk study, and to specifically address eight key items. SOW at 2. In its proposal, Cambridge recognized that the SOW required discussion of these eight specific items, but it stated that six of the items could not be accomplished until there was a review of the first two items. AR, Tab 5, Cambridge Proposal at 7. Instead of addressing all eight items, Cambridge’s proposal provided a “fundamental calculation . . . as an illustration of the rigorous engineering validation” that the firm proposed to apply to the project. *Id.* at 7-8. Because the firm failed to adequately address all eight of the items identified in the SOW, the agency rated Cambridge’s proposal as only good. AR, Tab 9, Evaluation Summary, 5.

We find no error in the agency’s analysis here. An offeror has the burden of submitting an adequately written proposal, and it runs the risk that its proposal will be evaluated unfavorably when it fails to do so. Emergency Vehicle Installations Corp., *supra*, at 4. Cambridge chose not to discuss certain items listed by the RFQ in its proposal, and therefore the agency appropriately declined to give the proposal a higher rating.

Finally, Cambridge challenges the best value determination, arguing that because both offerors should have been rated equal and Cambridge offered the lower price, its proposal represented the best value for the government. Cambridge’s argument is without merit. As noted above, the agency reasonably determined that Niessen’s proposal was superior to Cambridge’s proposal, in large measure, due to Cambridge’s inferior rating under the quality of proposal subfactor. Tab 10, Source Selection Decision, at 2-3. The contracting officer concluded that, notwithstanding

Cambridge's lower price, the technical strengths of Niessen's proposal warranted paying the less than three percent premium associated with Niessen's proposal. Id. at 4. Although Cambridge disagrees with that judgment, it has not shown it to be unreasonable.²

The protest is denied.

Susan A. Poling
General Counsel

² Cambridge raises arguments that are variations of, or in addition to, the arguments discussed above. We have considered all of them and find that none provide a basis to sustain the protest. For example, the firm challenges the adequacy of its debriefing, but this is not a cognizable basis of protest. A debriefing is only an explanation of the agency's evaluation and source selection decision, not the evaluation or decision itself; therefore, the adequacy of the debriefing is a procedural matter that does not involve the validity of contract award. The Ideal Solution, LLC, B-298300, July 10, 2006, 2006 CPD ¶ 101 at 3 n.2.