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**Comptroller General
of the United States**

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

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Decision

Matter of: Sigma One Corporation

File: B-294719

Date: December 2, 2004

Jennifer L. Bowman, Esq., James W. Norment, Esq., and Hugh R. Overholt, Esq., Ward and Smith, for the protester.

James J. McCullough, Esq., and Steven A. Alerding, Esq., Fried, Frank, Harris, Shriver & Jacobson for Associates in Rural Development, Inc.; and John S. Pachter, Esq., Jonathan D. Shaffer, Esq., Erin R. Karsman, Esq., and Jennifer D. Cisnersos, Esq., Smith Pachter McWhorter & Allen for International Resources Group, intervenors.

Diane A. Perone, Esq., United States Agency for International Development, for the agency.

Paul N. Wengert, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest is denied where, notwithstanding general direction in solicitation that detailed information should be presented in proposals only when required by specific solicitation instructions, agency reasonably downgraded protester's proposal for failing to include sufficient specificity in response to factors where solicitation did call for specific information, and therefore agency's elimination of protester's low-priced proposal from the competitive range was reasonable and consistent with the request for proposals.

DECISION

Sigma One Corporation, a small business, protests the exclusion of its proposal from the competitive range by the United States Agency for International Development under request for proposals (RFP) No. M/OP-03-001 for technical assistance services for the "Rural and Agricultural Incomes with a Sustainable Environment" program (RAISE Plus). The protester argues that its proposal was eliminated from the competitive range on the basis of an evaluation scheme that was not disclosed in the RFP.

We deny the protest.

The RFP contemplated the award of up to five indefinite-quantity contracts. One limited-scope contract was set aside for small businesses; the remainder were unrestricted. RFP at 94. The unrestricted competition (referred to as the “full scope of work” competition), at issue here,¹ sought proposals to perform services to assist small-to-medium-scale producers, small-to-medium-scale enterprises, and community-based resource managers to operate profitably in domestic and world markets. RFP at 10.

Under the full scope of work competition, the RFP identified six technical criteria, in descending order of importance (with the final three criteria equal to each other in importance): technical approach, technical capability management, knowledge management, corporate capability, key personnel, and past performance. RFP at 111-12. The RFP also provided for a trade-off between technical and price factors, with technical evaluation factors, when combined, significantly more important than evaluated cost, but noted that as technical rankings became closer, cost considerations would increase in importance. RFP amend. 3, at 16.

With regard to the level of detail required in proposals, the RFP provided as follows:

**L.8 INSTRUCTIONS FOR THE PREPARATION OF THE
TECHNICAL PROPOSAL**

(a) The Technical Proposal in response to this solicitation should address how the offeror intends to carry out the Statement of Work . . . It should also contain a clear understanding of the work to be undertaken and the responsibilities of the parties involved.

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(c) Detailed information should be presented only when required by specific RFP instructions. Proposals are limited to 40 pages . . .

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(e) Full Scope of Work--proposals

The technical proposal should, at a minimum, include the following:

¹ Although the proposal submitted by Sigma One indicated that the firm was a small disadvantaged business, Sigma One explicitly labeled its submission as a proposal for the unrestricted “full scope of work” competition, not as a proposal for the work set aside for small businesses. Agency Report (AR), Tab 2, Sigma One Proposal, at 4.

(1) Technical approach

With reference to . . . Statement of Work, and incorporating relevant additional analysis and understanding, concisely and clearly describe how technical assistance provided under RAISE PLUS will increase rural prosperity in an environmentally sustainable way. Describe how trade and investment; policy and regulations; infrastructure . . . agribusiness and natural resource based industry competitiveness; natural resources (soils, forests, water); and producer organization and rural family capacity can be enhanced so that they contribute to significant host country economic growth over the next 5 years.

RFP amend. 3, at 3-4. For each of the next three factors (technical capability management, knowledge management, and corporate capability), the RFP similarly requested the offeror to “clearly and concisely describe how” (or “clearly and concisely demonstrate how”) it proposed to perform. Id.

The technical evaluators ranked Sigma One’s proposal as seventh out of the nine proposals. In three of the six technical criteria, including the two most important ones, the evaluators found Sigma One’s proposal to be marginal, and it was rated acceptable under the three remaining criteria. In the competitive range determination document, the contracting officer discussed the weakness of Sigma One’s proposal and noted examples of the “overly general” treatment of the issues under the criteria where Sigma One had been rated marginal. AR, Tab 7, Competitive Range Determination, at 6. The competitive range decision also discussed Sigma One’s low evaluated cost, and two weaknesses in its cost proposal. Ultimately, the contracting officer concluded that the degree to which Sigma One’s proposal was inferior rendered the cost advantage less important, and ultimately determined to eliminate Sigma One’s proposal from the competitive range. Id. at 13-15.

Sigma One was notified of the exclusion of its proposal from the competitive range, and received a pre-award debriefing. In its protest, Sigma One objects that the chief criticism of the proposal was that it did not “adequately describe its plan to accomplish the goals of RAISE Plus,” and generally exhibited a “lack of specificity.” Protest at 3. Sigma One argues that the RFP did not require thorough treatment of these aspects in its proposal, and therefore it responded with a “probable course of action that relies more on academic skills than on a mechanical presentation of past experiences or reactions to situations.” Protester’s Comments at 7.

Sigma One explains that its proposal, admittedly, was “not a presentation of specific past examples or lessons learned.” Protest at 5 (emphasis in original). In light of the RFP language, Sigma One objects that “[i]t is unreasonable to expect offerors to be able to predict or read into the RFP the need for specific details, narratives, examples of past performance and lessons learned tables when the RFP specifically

directs the offerors not to include detail unless specifically required by the RFP.” Protester’s Comments at 6 (emphasis in original).²

In response, the agency essentially agrees that Sigma One’s marginal ratings under three factors were caused by a lack of sufficient information about how Sigma One would perform. Contracting Officer’s (CO) Statement at 7. Notwithstanding the language that detailed information should be presented only when required by specific RFP instructions, the agency emphasizes that in numerous places the RFP requested explanations of “how” an offeror would perform, for evaluation purposes. The agency maintains that Sigma One’s proposal was properly downgraded under those factors, and ultimately excluded from the competitive range, because Sigma One failed to provide adequate explanations, as required by the RFP. CO Statement at 7-9.

The record demonstrates that the agency’s evaluation was consistent with the RFP. As described above, while the RFP stated that detailed information should be presented only when required by specific RFP instructions, the RFP clearly requested that an offeror, under the first four evaluation factors, describe or demonstrate how it proposed to perform the required work. In fact, the agency’s evaluation of Sigma One’s proposal tracks the evaluation criteria closely, and identifies the evaluators’ conclusions with respect to the quality of the proposal with respect to each criterion. Thus, we conclude that the agency’s evaluation was consistent with the evaluation criteria.

Furthermore, we think the agency’s evaluation of the merits of Sigma One’s proposal was reasonable. For example, within the technical approach factor, under the heading “natural resources (soil, forests, water),” the evaluators identified no

² In its protest, Sigma One also disputed the agency’s conclusion that its agricultural economist did not meet a requirement for the position. Protest at 6. The technical evaluation committee report set forth the evaluation of the protester’s key personnel, finding them acceptable but noting weaknesses. Memorandum of Law at 22; AR, Tab 6, Technical Evaluation Report, at 164-65. Although, in its supplemental comments, the protester asserts that its comments expanded on its objections to “the evaluation of Key Personnel or any other sections of the proposal,” Protester’s Supplemental Comments at 2 n.1, we find nothing in either set of comments further addressing its challenge to the evaluation of key personnel. Since Sigma One did not respond to the agency’s explanation in its comments on the report, we consider this argument to be abandoned. TN-KY Contractors, B-291997.2, May 5, 2003, 2003 CPD ¶ 91 at 3 n.2.

strengths but described the weakness (and quoted from the Sigma One proposal) thus:

This criteri[on] was not addressed in a specific way. Sigma One's proposal does not describe "how" things will be accomplished although they state that "[Deleted]." There are no examples of how farmers might implement "sustainable production schemes," no details on sustainable productions schemes, no description of what NRM [natural resource management] technical assistance might entail. They mentioned use of [Deleted], but not how they would be applied. They called for more [Deleted], but did not explain how such change would be encouraged.

Sigma One discusses [Deleted] (p. 9). They cite the need for [Deleted]. Unfortunately, they don't explain how they would foster these new regimes.

Sigma One states "[Deleted]" This broad statement is followed by several more general comments, "[Deleted]." While these general statements provide a good opportunity for addressing this criterion, the proposal fails to follow-up by clearly describing Sigma One's strategy to pursue these opportunities.

AR, Tab 6, Technical Evaluation Report, at 152.

The protester identifies a 2-page chart in its proposal that it believes explains its approach under the technical approach factor. Protest exh. C. The agency's evaluators found that the chart was "an even less effective way of describing 'how' than . . . prose. . . . The chart is an amalgamation of buzz words, jargon, acronyms, and incomplete phrases." AR, Tab 3, Declaration of Technical Evaluation Chair, at 7. We have no basis to question the agency's evaluation in this regard; as illustrated by the example above, the agency also explains why the narrative "prose" portions of the protester's proposal were downgraded. The protester has not rebutted the merits of the agency evaluation.

The Federal Acquisition Regulation (FAR) authorizes the contracting officer to exclude proposals from the competitive range that are not among the "most highly rated." FAR § 15.306(c)(1); Fiserv NCSI, Inc., B-293005, Jan. 15, 2004, 2004 CPD ¶ 59 at 12. As discussed above, the agency's criticisms of Sigma One's proposal all reasonably relate to the stated evaluation criteria, and therefore were reasonably employed by the agency, and the evaluation itself is reasonable and supported by the record. Further, the record shows that all offerors' proposals that were included in the competitive range had significantly superior non-price evaluations, when compared to Sigma One. CO Statement at 8; AR, Tab 7, Competitive Range Determination, at 4-6. Based on this record, where the RFP provided that non-price

factors were significantly more important than price, we think that Sigma One's low-rated proposal was reasonably excluded from the competitive range as not among the most highly rated proposals, notwithstanding its low evaluated price.

The protest is denied.³

Anthony H. Gamboa
General Counsel

³ Although Sigma One raised a number of other arguments concerning the evaluation, we find it unnecessary to address them individually, given our conclusion above.