



## Decision

**Matter of:** Oceantronics, Inc.

**File:** B-401697

**Date:** October 23, 2009

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Fritz Amtsberg for the protester.

Stephen H.S. Tryon, Esq., Naval Sea Systems Command, for the agency.

Kenneth Kilgour, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest that agency improperly evaluated protester's proposal, resulting in a flawed best value determination, is denied where the record shows both that the agency reasonably evaluated the protester's proposal as failing to meet key requirements of the solicitation and that the agency's best value determination was reasonable.

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### DECISION

Oceantronics, Inc. of Honolulu, Hawaii, protests the issuance of a task order to another contractor under a multiple-award indefinite-delivery/indefinite-quantity contract by the Department of the Navy, Naval Surface Warfare Center, Carderock Division, for engineering and technical services supporting a Mobil At-sea Sensor System, a seagoing platform outfitted with a variety of sensors and research and test equipment. Oceantronics challenges various aspects of the agency's evaluation of its proposal.

We deny the protest.<sup>1</sup>

The solicitation called for selection of the proposal found most advantageous to the government, cost and other factors considered. The evaluation factors, in

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<sup>1</sup> The task order here, No. N00178-04-D-4042 FD05, was issued on July 10, 2009, with a potential value of \$11,166,398. Consequently, our Office has jurisdiction to hear the protest pursuant to section 843 of the National Defense Authorization Act of Fiscal Year 2008, Pub. L. No. 110-181, 122 Stat. 3, 237 (2008), which provides that a protest is authorized with regard to "an order valued in excess of \$10,000,000."

descending order of importance, were Personnel, Technical Capability, Management and Facilities, and Past Performance; these factors, taken together, were more important than cost. The Personnel factor included a requirement for four key personnel—a principal engineer, mechanical engineer, electrical engineer, and senior marine mechanical technician. The solicitation stated that the engineers should be located in the National Capital Region and required that they have engineering degrees. The mechanical and electrical engineers were required to have degrees in their respective specialties, and the senior marine mechanical technician was required to have training and certifications in several areas, including crane operation.

The Navy received proposals from, among others, the protester and the awardee. The agency evaluated the protester's proposal as failing to meet several key requirements. Neither the mechanical engineer nor the electrical engineer had the required engineering degree, and the senior marine mechanical technician lacked the required certification or experience for crane operation. For that reason, the agency assigned the protester's proposal weaknesses under the Personnel factor. Because the protester's proposal contained no evidence that the proposed personnel had experience maintaining and operating ocean-going vessels, the agency assigned the proposal weaknesses under the Technical Capability factor. All of the proposed engineers resided in Hawaii, not the National Capital Region, leading the agency to assign the proposal a significant weakness under the Management and Facilities factor. Also, having considered the past performance of the protester and its subcontractor, the agency rated the protester's proposal "neutral" for past performance. See Agency Report, Tab 2, Best Value Justification at 12-13. The Navy chose a much more highly-rated proposal that met all of the technical requirements of the RFP at a somewhat higher cost, and this protest followed.

The protester does not challenge the agency's assessment of the educational credentials of the engineers or the training and experience level of the senior marine mechanical technician. Rather, the protester argues that the experience of these individuals is sufficient to enable them to perform the statement of work.

Our Office will not reevaluate offerors' proposals; rather, our review is limited to considering whether the agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. Triple Canopy, Inc., B-310566.4, Oct. 30, 2008, 2008 CPD ¶ 207 at 6-7. Here, the agency announced certain personnel requirements in the solicitation. Not only was it proper for the agency to consider the education level of the proposed engineers and the experience and training of the proposed senior marine mechanical technician, the solicitation required the agency to do so. Hera Constructive S.A./Synthesis S.A., Joint Venture, B-297367, Dec. 20, 2005, 2005 CPD ¶ 225 at 4 (in evaluating offers in a given procurement, agency must follow the stated evaluation scheme in the solicitation). We therefore see no merit to the protester's argument that, regardless

of the failure of its proposed personnel to meet certain requirements in the solicitation, its proposal should have been more highly rated.<sup>2</sup>

Moreover, a protester's mere disagreement with the agency's determination as to the merits of a proposal and its judgment as to which proposal offers the best value to the agency does not establish that the evaluation or source selection was unreasonable. Weber Cafeteria Servs., Inc., B-290085.2, June 17, 2002, 2002 CPD ¶ 99 at 4. Thus, for example, the protester's contention that locating its proposed engineers in Hawaii is an advantage constitutes at best a disagreement with the agency's judgment--explicitly set out in the solicitation--that locating them in the National Capital Region is preferable.

In sum, given that the solicitation contemplated award on a best value basis, we see no basis on the record here to question the agency's selection of a higher-rated, somewhat higher-cost proposal instead of the protester's lower-cost, but much lower-rated, proposal.

The protest is denied.

Lynn H. Gibson  
Acting General Counsel

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<sup>2</sup> The protester also alleges that the agency failed to consider the past performance of its subcontractor. As noted above, the record contains evidence that the agency evaluators did consider the subcontractor's past performance.