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Decision

Matter of: Superior Optical Labs, Inc.

File: B-420428; B-420428.2

Date: March 14, 2022

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DIGEST

Protest challenging agency's evaluation of awardee's proposal is denied where record shows that the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations.

DECISION

Superior Optical Labs, Inc., of Ocean Springs, Mississippi, protests the award of a contract to PDS Consultants, Inc., of Sparta, New Jersey, under request for proposals (RFP) No. 36C24221R0056, issued by the Department of Veterans Affairs (VA) for prescription eyeglasses. The protester contends that the agency's evaluation of PDS's proposal was unreasonable.

We deny the protest.

BACKGROUND

The RFP is for the provision of prescription eyeglasses within the Veterans Integrated Service Network for New York/New Jersey upstate area (VISN 2) and contemplates the award of a single fixed-price indefinite-delivery, indefinite-quantity contract with a 1-year base period and four 1-year option periods. RFP at 54-55, 134. The RFP provided that

award would be made on a best-value tradeoff basis, considering price and offeror experience, with experience being more important than price. *Id.* at 132-133.¹

The RFP provided that the agency would evaluate each offeror's manufacturing experience under the experience factor based on a narrative description and references to prior contracts included in their technical proposals. RFP at 133. Proposals were to be assigned adjectival ratings of good, satisfactory, marginal, and unsatisfactory. Agency Report (AR), exh. 2, Source Selection Decision Document (SSDD) at 4. Price was to be evaluated for reasonableness. RFP at 135.

The agency received a number of proposals, including those from Superior and PDS. AR, exh. 2, SSDD at 2. Proposals were evaluated first by a source selection evaluation board (SSEB), and thereafter by the source selection authority (SSA), who assigned final ratings. Superior's proposal was rated good under the experience factor and PDS's proposal (which was initially assigned a rating of good by the SSEB), was assigned a final rating of satisfactory. *Id.* at 7. Superior's total evaluated price was \$8,373,375, while PDS's was \$3,726,705. *Id.* at 9. On the basis of these evaluation results, the agency made award to PDS, concluding that PDS's proposal offered the best value to the government. *Id.* at 13-14. After learning of the agency's selection decision and requesting and receiving a debriefing, Superior filed the instant protest.

DISCUSSION

Superior argues that the agency unreasonably evaluated PDS's proposal under the experience factor.² As discussed below, we find no merit to Superior's protest. We note at the outset that in reviewing a protest challenging an agency's evaluation, our Office does not independently evaluate proposals; rather, we review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. *Laboratory Corporation of America*, B-414896.3, B-414896.4, July 13, 2018, 2018 CPD ¶ 264 at 4.

Superior alleges that the agency improperly considered PDS's non-manufacturing experience in assigning its proposal a rating of satisfactory. According to the protester, PDS has only been a manufacturer of eyeglasses since 2019, and the agency unreasonably gave it credit during the evaluation for its experience providing eyeglasses prior to that time as a non-manufacturer.

¹ The RFP included a second non-price consideration, technical acceptability criteria, that was to be evaluated on a pass/fail basis. RFP at 133. Only firms whose proposals were found to be technically acceptable were eligible to be considered for the best-value tradeoff. The proposals of both Superior and PDS were found technically acceptable and that finding is not at issue in the protest.

² Superior initially argued that the agency evaluated proposals unequally and failed to conduct meaningful discussions. Superior withdrew these allegations and therefore we do not address them further.

We find no merit to this allegation. The record shows that, to demonstrate that it met the requirements under the experience factor, PDS's proposal included a narrative description of its experience, detailing that it had been providing prescription eyeglasses services to the VA since as early as 1995. AR, exh. 4, PDS Proposal at 90. PDS's narrative further explained that PDS currently operates over 100 optical stores and manufactures approximately 1 million pairs of eyeglasses annually. *Id.* PDS's narrative further detailed that PDS manufactures eyeglasses for a significant number of the agency's VISNs, and PDS also claimed to be the largest manufacturer of eyewear for the VA nationally. *Id.*

In support of these claims, PDS's proposal included some 15 separate contract references that detailed its prior and current experience providing eyeglasses to the VA. AR, exh. 4, PDS Proposal, at 93-107. These references confirm the claims made in the narrative portion of PDS's proposal, namely, that PDS has been, or currently is, providing eyeglass manufacturing services to the VA in VISNs 1, 2, 4, 5, 8, 9, 10, 15, 16, 17, 18, 19, 21, 22 and 23. *Id.* These same references also generally support PDS's claims about the quantities of eyeglasses produced on an annual basis. *Id.*

As noted above, the record shows that the SSEB initially assigned PDS a rating of good under the experience factor, but that rating was subsequently reduced to satisfactory by the SSA. The chief basis for that change related to the fact that the SSA was aware that PDS had only been manufacturing eyeglasses since 2019, and that before that time, PDS had subcontracted the manufacturing aspect of the requirement. The SSA found as follows:

The rationale for this adjustment is that while PDS has extensive experience providing prescription eyeglasses (and has provided prescription eyeglasses to VA since 1998), they primarily did so as a non-manufacturer and the evaluation factor specified that "*The VA will evaluate an Offeror's Experience by assessing the Offeror's narrative response detailing their experience providing prescription eyeglasses manufacturing services...*" PDS purchased Korrek Optical (including all of their manufacturing equipment) on August 28, 2019 but prior to that purchase, PDS subcontracted the manufacturing portion of their prescription eyeglasses contracts, rather than directly manufacturing prescription eyeglasses itself. The SSEB members likely were not aware of this distinction. . . .

AR, exh. 2, SSDD, at 7-8 (emphasis in original).

The SSA also specifically considered the fact, while much of PDS's prior experience was providing eyeglasses as a non-manufacturer, it nonetheless had experience as a manufacturer, and that its overall experience as both an eyeglass provider, and as a manufacturer was beneficial to the agency in determining that PDS could perform the requirement. The SSA found as follows:

Overall, PDS' proposal demonstrates that PDS has "sufficient" experience providing prescription eyeglasses manufacturing services, but does not have "a depth and breadth" of experience providing these manufacturing services as they have only been situated as a manufacturer since 2019. Despite not having a "depth and breadth" of experience providing manufacturing services, there is high confidence that PDS will be successful in providing the services required by the procurement because although they have only been a manufacturer for just over 2 years, they still have extensive experience providing prescription eyeglasses to the VA as a non-manufacturer (21 years, 1998–2019).

AR, exh. 2, SSDD, at 10.

We have no basis to object to the agency's evaluation. As noted, the agency recognized that PDS's manufacturing experience was comparatively limited, but also expressly recognized that PDS's other experience was of value to the agency overall in demonstrating PDS's ability to meet the solicited requirement. While the protester alleges that the agency's actions were unreasonable, its position amounts to no more than disagreement with the substance of the agency's findings, which does not provide a basis for our Office to object to the agency's evaluation.³ *Federal Acquisition Services Team OASIS JV, LLC*, B-418776.6, B-418776.7, June 22, 2021, 2021 CPD ¶ 244 at 6.

In the final analysis, the agency understood that PDS's manufacturing experience was not as extensive as its experience overall (or as extensive as Superior's experience as

³ Superior suggests that it was improper for the agency to consider PDS's non-manufacturing experience because that was not contemplated by the RFP's experience factor. Agencies properly may take into account considerations that, while unstated, are logically encompassed by, or reasonably related to, the stated evaluation criteria. *Design Engineering, Inc.*, B-408336.3, May 6, 2014, 2014 CPD ¶ 144 at 4. Here, we find that the agency reasonably considered PDS's non-manufacturing experience in addition to its manufacturing experience, because that experience was logically encompassed by, and reasonably related to, the solicitation's manufacturing experience evaluation factor. The scale and scope of its non-manufacturing operations in the past are similar to its operations as a manufacturer, and PDS's extensive experience as a supplier of eyeglasses to the VA more generally is reasonably related to its experience as a manufacturer. Moreover--and more to the point--the record shows that PDS has actual, extensive experience as a manufacturer of eyeglasses, successfully producing some 1 million pairs of eyeglasses annually.

Superior also suggests that the agency improperly found that it had "high confidence" in PDS's experience, despite the fact that the phrase "high confidence" does not appear in the definition of a satisfactory rating used by the agency. AR, exh. 2, SSDD, at 4. However, this is no more than a semantic objection to the agency's evaluation finding, and does not demonstrate that the substance of the underlying evaluation was unreasonable.

a manufacturer), but nonetheless concluded that its overall experience was adequate to merit a rating of satisfactory under the experience factor. On this record, we have no basis to object to the agency's evaluation.

As a final matter, Superior takes issue with the agency's best-value selection decision. Superior's objection is premised on its position that PDS's proposal did not merit a rating of satisfactory under the experience factor.

As discussed, we have no basis to object to the assignment of a rating of satisfactory under the experience factor to the PDS proposal for the reasons advanced by Superior. In addition, as noted, the record shows that Superior's price was more than twice the price offered by PDS. The record shows that the agency recognized the higher rating assigned to the Superior proposal under the experience factor, but nonetheless concluded that its slight superiority under that factor did not merit paying a price premium of approximately 124 percent associated with Superior's proposal. AR, exh. 2, SSDD, at 11-13. In light of these circumstances, we have no basis to object to the agency's source selection decision.

The protest is denied.

Edda Emmanuelli Perez
General Counsel