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**Comptroller General
of the United States**

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

Decision

Matter of: B&S Transport, Inc.

File: B-299144

Date: January 22, 2007

Alani Golanski, Esq., Law Office of Alani Golanski, for the protester.
Richard D. Ferguson, Esq., Defense Logistics Agency, for the agency.
Paul N. Wengert, Esq., and Glenn G. Wolcott, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest against elimination of protester's proposal from competitive range is denied where record supports the reasonableness of the agency's evaluation of protester's proposal as unsatisfactory and not capable of being made acceptable without major revisions.

DECISION

B&S Transport, Inc., a small business, protests the elimination of its proposal from the competitive range by the Defense Logistics Agency (DLA), Defense Supply Center Columbus, under request for proposals (RFP) No. SP0700-06-R-7022 to implement DLA's Tire Privatization Initiative (TPI). B&S argues that there was no reasonable basis for the evaluation of its proposal as unsatisfactory and that it was improper for the agency to remove B&S's proposal from the competitive range.

We deny the protest.¹

¹ We granted DLA's request to handle this protest under the express option provisions of our Bid Protest Regulations, 4 C.F.R. § 21.10 (2006), which DLA stated will allow it to meet its goal of assuming tire management responsibilities from the Department of the Army, in accordance with Base Realignment and Closure plans, in March 2007.

DLA issued the RFP on July 10, 2006, seeking a single contractor to supply tires for all armor/tactical vehicles, as well as for other vehicles and equipment, worldwide, and to provide complete tire supply-chain management. The RFP anticipated award of a fixed-price,² indefinite-delivery/indefinite-quantity (ID/IQ) contract for a 5-year base period with a 5-year option period.

The RFP provided that proposals would be evaluated on the basis of four factors: technical, socioeconomic program utilization, Javits-Wagner-O'Day (JWOD) Act entity utilization, and price.³ Under the technical evaluation factor, the RFP established three subfactors—management approach, operational approach, and past performance—and provided that a rating of “Unacceptable” for any of these technical subfactors would render the entire proposal unacceptable. The RFP also specified that proposals were expected to “demonstrate[] a thorough understanding of the scope and complexity of the work and the ability to successfully perform the work.” RFP at 65-66.

On or before the closing date, three offerors, including B&S, submitted proposals; thereafter, each offeror provided video proposal presentations. The RFP limited technical proposals to 75 pages; B&S's technical proposal was less than 35 pages. The RFP also limited video presentations to 2 hours; B&S's video presentation was approximately 6 minutes—more than half of which consisted of archival footage of the 1968 Olympic gold medal boxing victory of its corporate founder and president. Agency Report (AR), Tab 12a, DVD of B&S Video Presentation.

After reviewing proposals, the source selection evaluation board (SSEB) rated B&S's technical proposal as “Unsatisfactory (B)”⁴ under both the management approach and operational approach sub-factors,⁵ and “Unsatisfactory (B)” overall. AR, Tab 17, Contracting Officer Assessment Slides, at 24. Specifically, the agency found that B&S's proposal failed to comply with, or even address, multiple RFP requirements regarding its proposed management approach, including: providing an

² Offerors were to provide a unit price for each tire, listed by national stock number (NSN), and an extended price for purposes of evaluation based on estimated ordering volume for each NSN.

³ Offerors were advised that the non-price factors were significantly more important than price. RFP at 65.

⁴ The source selection plan defined a rating of “Unsatisfactory (B)” as: “Proposal does not comply substantially with requirements. The proposal is not capable of being made acceptable without major revisions or rewrite.” AR, Tab 16, Source Selection Plan, at 8.

⁵ B&S's proposal was also rated unsatisfactory under the past performance subfactor.

organizational structure that identified the management and oversight responsibilities of the offeror and its proposed subcontractors; identification of the responsibilities of its proposed key personnel; and providing information regarding its proposed management approach to monitoring performance levels or adjusting to changing demands.⁶ Contracting Officer's Statement at 5; RFP at 39-41; Technical Evaluation Team (TET) Report at 18-22. With regard to B&S's proposed operational approach, the agency similarly concluded that B&S's proposal failed to comply with multiple RFP requirements, including requirements to describe its supply chain model and requirements regarding B&S's proposed approach to transition and full implementation of the contract requirements.⁷ Id. Based on the TET's documented evaluation of multiple proposal deficiencies, the contracting officer determined that B&S's proposal was unacceptable and could not be made acceptable without major additions and revisions; accordingly, B&S's proposal was eliminated from the competitive range.

Although B&S acknowledges that its proposal "provided less than full-blown details on every point," B&S asserts that the lack of information in its proposal reflected the agency's comments at a pre-proposal conference during which, according to B&S, the agency emphasized the proposal page limitations and encouraged offerors to be concise. Protester's Comments at 17-18. More specifically, B&S complains that the agency's evaluation was unreasonable because it reflects "simply the lack of paperwork" in B&S's proposal and fails to give proper consideration to what B&S describes as its "fine performance history and capabilities." Protester's Comments at 17, 20.

⁶ B&S's proposal identified key personnel by providing a one-page organizational chart, but failed to discuss the responsibilities of the various individuals or to discuss the qualifications of its proposed project manager. With regard to B&S's overall management approach, the TET report listed multiple specific weaknesses and/or deficiencies, including: "did not address the solicitation request for supply chain modeling and simulation"; "has not demonstrated the ability to partner with sources of supply"; "has not demonstrated the ability to provide all warehouse related operations"; and "did not address what teaming they would do with manufacturers when sourcing is limited." TET Report at 18-20.

⁷ Among other things, the TET report listed specific weaknesses and/or deficiencies regarding B&S's operational approach, including: "did not address how they would adapt to emergent requirements while maintaining threshold levels of service"; "did not address any potential supply chain risks to meeting the performance criteria"; "did not address a description of the military tire manufacturing base"; "did not address planned resolution of current obsolescence issues"; and "did not address communications." TET Report, at 21-22.

In reviewing protests against allegedly improper evaluations, it is not our role to reevaluate proposals. Rather, our Office examines the record to determine whether the agency's judgment was reasonable and in accord with the RFP criteria. Abt Assocs., Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's obligation to submit an adequately written proposal. United Defense LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19. Where an offeror provides cursory, general assurances that it can perform the work in response to specific requirements in an RFP to provide detailed information, the agency may reasonably find that the proposal lacks required information and thus is technically unacceptable. Worldwide Primates, Inc., B-294481, Oct. 12, 2004, 2004 CPD ¶ 206 at 4-5. Proposals that are technically unacceptable as submitted and would require major revisions to become acceptable are not required to be included in the competitive range. Third Millennium, Inc., B-241286, Jan. 30, 1991, 91-1 CPD ¶ 91.

Here, based on our review of the record, it is clear that B&S has not meaningfully challenged the agency's evaluation of its proposal; rather, B&S's protest merely disparages the agency's evaluation as "emphasizing the ability to churn out paperwork" and criticizes the expertise of the agency's evaluators as "not hav[ing] the specific knowledge or expertise concerning tire manufacture, supply and distribution, sufficient to make the wisest choices in a pursuit of best value for the TPI."⁸ Protester's Comments at 3, 34. Based on our review of the entire record, we find no basis to question the agency's evaluation, nor its determination to exclude B&S's proposal from the competitive range.

The protest is denied.⁹

Gary L. Kepplinger
General Counsel

⁸ B&S elaborates, in conclusory form, that B&S's ability to perform the contract requirements is greater than any other entity, stating: "Nor do B&S's competitors have B&S's level of understanding of the nature of, and potential problems arising from, the supply of tires to Government clients, and in particular military operations. It is only B&S which has specific expertise in these areas informed by decades of successful and outstanding relevant service." Protester's Comments at 34.

⁹ B&S's protest challenges various other aspects of the agency's evaluation and the source selection process. In light of our conclusion, discussed above, that the agency reasonably excluded B&S's proposal from the competitive range based on B&S's submission of a technical proposal that was unacceptable and not capable of being made acceptable without major revisions, our decision does not further discuss B&S's additional allegations. We have considered all of B&S's assertions and find no basis for sustaining its protest.