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## Decision

**Matter of:** Andritz Hydro Corp.

**File:** B-404642

**Date:** March 21, 2011

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R. Lee Mann III, Esq., and Daniel B. Swaja, Esq., Kilpatrick Stockton LLP, for the protester.

James M. Pakiz, Esq., and Thomas J. Morrissey, Esq., Department of the Army, Corps of Engineers, for the agency.

Susan K. McAuliffe, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest challenging agency's evaluation of protester's technical proposal is denied where record shows evaluation was reasonable and consistent with terms of the solicitation.

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### DECISION

Andritz Hydro Corp., of Charlotte, North Carolina, protests the evaluation of its proposal, and the award of a contract to ABB, Inc., of Saint-Laurent, Quebec, Canada, under request for proposals (RFP) No. W9128F-10-R-0043, issued by the Corps of Engineers for the supply and installation of eight excitation systems for the Fort Randall Dam Power Plant in South Dakota. Andritz contends that the agency did not reasonably evaluate its technical proposal.

We deny the protest.

The RFP, issued on July 29, 2010, contemplated the award of a fixed-price contract for the design, manufacture, installation, commissioning and testing of eight digital excitation systems for generators at the Fort Randall Dam Power Plant, including the removal of existing analog exciters, concrete pads and associated equipment. Award was to be made to the firm that submitted the proposal determined to represent the best value to the government considering technical factors and price. RFP at 59 and 63, Statement of Work, Technical Specification 01 11 10 1.1.

The RFP, as amended, provided for the evaluation of the following four technical factors, and related subfactors: (1) experience/personnel/schedule (subfactors for company experience, installation supervisor experience, commissioning engineer experience, and project schedule); (2) past performance (subfactors for site workmanship, customer satisfaction, schedule, and budget); (3) technical data (subfactors for drawings and sketches, descriptive literature, and maintainability); and (4) utilization of small business.<sup>1</sup> RFP at 65-66. According to the RFP, the first three factors were of equal weight, each of which was significantly more important than the fourth factor. When all four factors were combined, they were significantly more important than price. Id.

The agency received eight proposals by the October 5 closing date. Based on its evaluation, the agency rated ABB's proposal (priced at \$6,117,360) the highest for overall technical merit; Andritz's proposal (priced at \$ 4,920,544) was rated substantially lower technically. Finding that ABB's technical superiority warranted payment of its higher price, the agency selected ABB for award. In a letter dated December 7, the agency provided Andritz with notice of the award to ABB. The December 7 award notice also included a summary of some the strengths and weaknesses identified by the agency in its evaluation of Andritz's proposal. Andritz subsequently filed this protest challenging the proposal weaknesses cited in the award notice.

In its report responding to the protest, the agency submitted additional evaluation information, including a source selection evaluation board (SSEB) consensus report with a summary of evaluation findings and factor consensus ratings, as well as the evaluators' handwritten worksheets, which included the evaluators' subfactor ratings used to determine each technical factor rating.<sup>2</sup> The record reflects that ABB's proposal was rated outstanding under the experience/personnel/schedule factor, good under both the past performance and technical data factors, and

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<sup>1</sup> The agency used an adjectival rating scheme for the purpose of evaluating offerors' technical proposals. Under this scheme, a rating of "marginal" represented a minimally acceptable understanding of the requirements, or a failure to adequately address a criterion; "satisfactory" represented a complete and comprehensive demonstration of the offeror's understanding of the work and compliance with minimum requirements with few strengths and minor weaknesses; "good" represented beneficial strengths with only minor deficiencies and exceeding some requirements; and "outstanding" represented exceptional understanding of the requirements and exceeding most requirements with no significant weaknesses. Id. at 66.

<sup>2</sup> The SSEB consensus report references the evaluator worksheets as providing a complete listing of the evaluated strengths and weaknesses of the offerors' proposals. SSEB Report at 3.

satisfactory under the significantly less important small business utilization factor. Andritz's proposal was rated marginal under the experience/personnel/schedule factor, satisfactory under both the past performance and technical data factors, and good for small business utilization. Andritz protests the reasonableness of the agency's evaluation of its proposal under the experience/personnel/schedule and technical data factors.<sup>3</sup>

The evaluation of an offeror's proposal is a matter within the agency's discretion. IPlus, Inc., B-298020, B-298020.2, June 5, 2006, 2006 CPD ¶ 90 at 7, 13. In reviewing a protest against an agency's evaluation of proposals, our Office will not reevaluate proposals but instead will examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. See Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's mere disagreement with the agency's judgment in its determination of the relative merit of competing proposals does not establish that the evaluation was unreasonable. VT Griffin Servs., Inc., B-299869.2, Nov. 10, 2008, 2008 CPD ¶ 219 at 4. Here, we see no basis to object to the agency's evaluation.

Andritz first challenges the firm's overall marginal rating under the experience/personnel/schedule factor focusing on the particular weaknesses cited in the award notice. Specifically, Andritz challenges the agency's conclusion that the experience of its personnel, as demonstrated by the resumes for its proposed installation supervisor and commissioning engineer, was limited. Andritz also argues that the agency unreasonably identified weaknesses in its proposed schedule.

With regard to the experience of its personnel, Andritz maintains that they should have been credited with having more exciter installation and commission experience than was noted by the evaluators. In this regard, the record reflects that based on their consideration of the resumes submitted with Andritz's proposal, the evaluators determined that Andritz's installation supervisor had experience with only two relevant exciter installation projects, and that the resume for the commissioning engineer proposed by Andritz described relevant exciter commissioning work for

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<sup>3</sup> In its initial protest, Andritz also challenged the agency's evaluation of its past performance, contending that it should have received a higher rating under this factor. Because the agency report, which included copies of the comments and ratings submitted to the agency by the firm's past performance references (to include several adverse ratings stemming from performance problems associated with Andritz's recent excitation system installation and commission work for the agency at Garrison Dam) addressed Andritz's allegation, and Andritz did not rebut the agency report on this issue, we deem Andritz to have abandoned its past performance evaluation challenge. COB EventLizenz GmbH, B-401999.2, Jan. 12, 2010, 2010 CPD ¶ 24 at 3 n.2.

only one project. Our review of the record supports the reasonableness of the agency's evaluation. In short, while the protester contends that its personnel have numerous years of general electrical experience that should be considered relevant and given additional credit, the record confirms that the resumes at issue in Andritz's proposal provided general assertions of past electrical work, and thus did not specifically implicate the more specialized exciter system installation and commission work to be performed here to justify a higher technical evaluation rating.

Further, the agency's concerns about Andritz's proposed schedule for performance, which led to a "marginal" rating under the schedule subfactor, are also well-founded.<sup>4</sup> Specifically, each evaluator noted a serious weakness with Andritz's proposed schedule in connection with its replacement of two related excitation units occurring 4 months apart. Under Andritz's approach, when an old analog unit was replaced with a new digital unit, the new unit would interface with an old companion analog exciter for a 4-month period, until that unit was also replaced. The evaluators were concerned with this approach since Andritz did not identify or address issues of potential system instability from reactive power sharing between the units in the event the two different units are not compatible during the 4-month delay between the replacement installations.

In response to the cited weakness, Andritz contends that the agency's concerns are unfounded provided that the older analog exciter is Institute of Electrical and Electronic Engineers (IEEE) 421.5 compliant, which, according to Andritz, would allow the units to work together without reactive power sharing concerns. The agency's report, however, makes clear that, since the older analog exciter unit is not IEEE compliant, the agency's evaluators' concerns were justified. Accordingly, we

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<sup>4</sup> To the extent Andritz disagrees with the agency's asserted concerns that its proposed schedule did not include sufficient information regarding the sequential approach to perform milestones, the record reflects that the agency's concerns were justified. As the agency explains, given the overlapping nature of Andritz's schedule, the evaluators could not determine with any certainty the order in which several listed tasks were proposed to be performed.

have no basis to question the appropriateness of the marginal rating assigned under the schedule subfactor.<sup>5</sup>

Lastly, Andritz contends that its proposal should have received higher than a “satisfactory” rating under the technical data evaluation factor. In this regard, based on information contained in the award notice, Andritz contends that the agency unreasonably concluded that two of its drawing pages were blank. The protester explains the pages were not missing required information but were instead intended as cover pages to the drawings it submitted. Since, according to the award notice, this was the only reason it did not receive a higher rating, Andritz contends its rating should be revised upward to at least a rating of “good.”

In its report, the agency explains that the summary statement in the award notice indicating that Andritz failed to achieve a more favorable proposal rating because of the blank drawing pages was not an accurate reflection of the actual evaluation of the proposal. The agency explains, and the record confirms, that, as noted in each evaluator’s worksheet for the drawings and sketches evaluation subfactor, Andritz’s drawings were received, reviewed, and were considered complete, but only identified as satisfactory for meeting requirements—no appreciable strengths (or betterments, as were invited by the RFP) were identified to support a higher technical rating. The record further shows that the evaluators noted particular weaknesses with regard to the protester’s drawings (such as [deleted]) that have not been refuted by the protester. Thus, the protester’s suggestion that it should have received higher than a satisfactory rating under the drawings and sketches subfactor is not supported by the record. Since the protester has not challenged these cited weaknesses, as well as additional ones noted by the evaluators regarding the evaluated merits of the proposal under the remaining two subfactors (for descriptive literature and maintainability) of the technical data factor under which Andritz’s

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<sup>5</sup> To the extent the protester suggests its assumption that the older analog exciter to be replaced would be IEEE 421.5 compliant was reasonable (because compliance with IEEE standards is generally recommended by the electrical engineering industry), or that the RFP was defective (because it failed to specify that the old analog exciters were not IEEE 421.5 compliant), we disagree. The RFP advised all offerors that IEEE recommended standards were applicable where specifically referenced in solicitation provisions. See Technical Specification 48 19 26 1.2. In this regard, since no IEEE 421.5 reference was included in the RFP’s identification of the existing analog exciters, it was unreasonable of Andritz to assume the standard would apply to the units being replaced. See id. at 48 19 26 1.1.2. Further, contrary to Andritz’s contention that it was misled by the RFP’s silence on the IEEE compliance status of the analog exciter system to be replaced, the RFP specifically advised each offeror of its obligation to inquire about the condition of the equipment to be replaced before making assumptions that could effect its proposed approach to performance. Id. at 01 01 00 1.4. Having failed to make such an inquiry, Andritz’s assumptions merely reflected its own business judgment and were thus made at its own risk.

proposal also received satisfactory ratings, the record provides no basis to question the reasonableness of the overall satisfactory rating assigned to the protester's proposal under the technical data factor.

The protest is denied.

Lynn H. Gibson  
General Counsel