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**Comptroller General
of the United States**

**United States General Accounting Office
Washington, DC 20548**

Decision

Matter of: Chant Engineering Company, Inc.

File: B-292140

Date: May 29, 2003

Philip Chant for the protester.

Joshua A. Kranzberg, Esq., and John E. Klecha, Esq., Department of the Army, for the agency.

Sharon L. Larkin, Esq., Guy R. Pietrovito, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

In a “best value” procurement conducted using simplified acquisition procedures, protest of agency’s evaluation of quotation is denied where review of record shows evaluation was reasonable.

DECISION

Chant Engineering Company, Inc. protests the award of a contract to Link Engineering Company under request for quotations (RFQ) No. DAAE07-02-T-0018, issued by the U.S. Army Tank-Automotive and Armaments Command for a controller system to be used with a tire test machine.

We deny the protest.

The RFQ was issued on July 9, 2002 as a “combined synopsis/solicitation for commercial services” under the simplified acquisition procedures of Federal Acquisition Regulation (FAR) Part 13 and Subpart 12.6. It sought quotations to “design, fabricate, test and deliver an updated existing user-interface controller system” to achieve test readiness of a tire test machine manufactured by Chant.¹ The tire test machine is used in durability testing of various military vehicle tires.

¹ The RFQ originally sought one controller system to be used with two different manufacturer brands of tire test machines, but due to funding constraints, the agency later notified vendors that it would only be purchasing a controller system for the Chant machine.

The controller, which consists of hardware and software, is an external device that controls such operations as “on/off,” load, speed, caster, and camber. The RFQ contemplated the award of a fixed-price contract to the “responsible offeror whose offer will be most advantageous to the Government (Best Value) evaluating the technical proposal, price, delivery and past performance.” RFQ at 1.

Four vendors submitted quotations by the closing date of July 24. The agency evaluated the quotations, developed “Items for Discussion” (IFD) for each vendor’s quotation, and then provided the IFDs to the vendors so that the agency “could get a better understanding of each offeror’s quotation.” Responses to IFDs were submitted on January 24, 2003, and were incorporated into the technical evaluation. Contracting Officer’s Statement at 2.

Link received a rating of excellent (very low risk) for its technical proposal and quoted a price of \$89,100. Chant received a good rating (low risk) for its technical proposal and quoted a price of \$93,100. Both vendors received a good rating for past performance and provided for a 6-month delivery. The agency selected Link for award because its quotation provided an “excellent technical offer combined with the lowest offered price.” Agency Report (AR), Tab F, Award Decision Document, Mar. 14, 2003, at 1, 5. This protest followed.

Chant generally challenges the agency’s technical evaluation, primarily arguing that its quotation was deserving of the highest technical and lowest risk ratings because it is the manufacturer of the tire test machine and, thus, possesses technical information that no other vendor has; conversely, Chant argues that Link’s quotation should have been assigned a lower technical and higher risk rating because that firm does not have this technical information.²

As noted above, the Army conducted this acquisition using simplified acquisition procedures. Simplified acquisition procedures are designed to, among other things, reduce administrative costs, promote efficiency and economy in contracting, and avoid unnecessary burdens for agencies and contractors. FAR § 13.002; Sawtooth Enters., Inc., B-281218, Dec. 7, 1998, 98-2 CPD ¶ 139 at 3. Our Office reviews allegations of improper agency actions in conducting simplified acquisitions to ensure that the procurements are conducted consistent with a concern for fair and equitable competition and with the terms of the solicitation. Nunez & Assocs., B-258666, Feb. 10, 1995, 95-1 CPD ¶ 62 at 2.

² Chant also contends that the agency failed to recognize as a strength its offer to evaluate the mechanical components of the tire test machine at no additional cost. However, Link made a similar offer, so Chant’s quotation is not superior in this regard.

Here, we find no basis to object to the Army's evaluation and selection of Link's quotation as reflecting the best value to the government. The record shows that the Army recognized that Chant was the manufacturer of the tire test machine and assessed this to be a strength in Chant's quotation.³ AR, Tab E, Evaluation Summary at 3. Nevertheless, the Army also found that possession of technical data for the tire test machine was not necessary or required for the controller. As explained by the Army, the tire test machine is a "simple mechanical device[] made up of a collection of commercially available components."⁴ Contracting Officer's Statement at 3. Moreover, the contractor will not be required to repair, refurbish, or optimize the tire test machine, but only provide the controller, which is a separate device consisting of computer hardware and software that records data and tells the machine what to do. Although Chant asserts that the agency should have lowered Link's quotation rating because that firm did not possess Chant's proprietary technical data, it has not shown that this data is necessary. The Army concluded that the data was not necessary, and Chant has not shown the Army's judgment to be unreasonable.

We find that the record supports the Army's selection of Link to receive award. The agency identified a number of technical strengths in Link's quotation, including that its controller has been "proven stable and has been used on over 100 test stands within the testing community"; is "fully flexible" and can operate in either the automated or manual mode; and the accompanying software is "customizable" and provides for a "friendly user interface", various display features, and links to software enhancements. Also, the agency found advantageous Link's business experience in making controllers of similar design.⁵ In contrast, Chant's quotation included controller software that was found to be "not commercial or user friendly",

³ The agency also noted that Chant's machine was manufactured in 1996, is now outdated, and is not Y2K compliant. AR, Tab F, Award Decision Document, at 2.

⁴ The agency states, and the protester does not disagree, that technical data and specifications for the components of the Chant tire test machine controller are readily available from the commercial component manufacturers.

⁵ In its comments to the agency report, Chant challenges, for the first time, the agency's assessment of these strengths to Link's quotation, arguing that they and others were also present in Chant's quotation. However, these strengths were made known to Chant during its debriefing, which also disclosed that they were not included as strengths to Chant's quotation. Any challenge to these strengths should have been, but was not, raised in its initial protest in order to be timely; our Office will not consider the piecemeal presentation of these protest grounds. 4 C.F.R. § 21.2(a)(2) (2003); JAVIS Automation & Eng'g, Inc., B-290434, B-290434.2, Aug. 5, 2002, 2002 CPD ¶ 140 at 7 n.11.

“not customizable”, and “not interoperable” with Microsoft Excel.⁶ AR, Tab F, Award Decision Document, at 2-3.

In sum, we find that the agency was reasonably justified in rating Link’s quotation superior to Chant’s, and in selecting Link’s higher rated and lower priced quotation for award.⁷

The protest is denied.

Anthony H. Gamboa
General Counsel

⁶ Chant disagrees with the agency’s assessment of these weaknesses, as well as its assessment of a weakness because Chant is not a controller expert, but mere disagreement is not sufficient to render those assessments unreasonable. AudioCARE Sys., B-283985, Jan. 31, 2000, 2000 ¶ 24 at 4.

⁷ Chant also contends that the evaluation was biased and unfair. We find no evidence in the record to support this contention.