United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: AdvanChip Corporation

File: B-282571

Date: July 29, 1999

Alice Yue for the protester.
Bruce E. Thomason for CyberMetrix, Inc., an intervenor.
Sherry K. Kaswell, Esq., Department of Interior, for the agency.
Mary G. Curcio, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency misevaluated protester's past performance is denied where record shows information submitted by protester did not demonstrate that protester had performed contracts with scientific instrumentation applications, as agency concluded.

DECISION

AdvanChip Corporation protests the award of a contract to CyberMetrix, Inc. under request for proposals No. 98CRSS1011, issued by the United States Geological Survey (USGS) for the development of a data acquisition and manipulation software package for use on a PC-based data collection platform, for the agency's network of magnetic observatories. AdvanChip maintains that the agency misevaluated its proposal.

We deny the protest.

The solicitation provided that the contract would be awarded on the basis of the best value to the government, with the non-price factors (technical excellence, resource availability and past performance) being more important than price. RFP §§ M.4 M2320(b), M.5 M2335(a). With respect to the non-price factors, technical excellence was worth twice as much as resource availability and past performance, which were equal to each other. RFP § M.4 M2320(b). Past performance was to be evaluated based on the offeror's successful development of similar systems, including complexity and diversity of systems, and timeliness of performance. RFP § M.4 M2320(b)(3). Toward this end, offerors were to provide information on all

government contracts they were performing or had completed within the past 3 years. RFP § L.17 L2160 (d)(3).

Eight offers were received, two of which--the protester's and the awardee's--were included in the competitive range. After holding two rounds of discussions and receiving and evaluating final proposal revisions, the agency determined that, although CyberMetrix's proposal was higher-cost than AdvanChip's, it was superior technically. In this regard, CyberMetrix's proposal was rated superior under both the technical excellence and past performance factors (due to a stronger background in scientific and engineering applications like those required by the solicitation). Contracting Officer's Statement at 5-6. The agency therefore determined that CyberMetrix's proposal represented the best value to the government and awarded the contract to CyberMetrix. Id. at 6.

AdvanChip asserts that the agency misevaluated its proposal under the past performance factor.[1] AdvanChip submitted information on two contracts it had performed. AdvanChip Proposal at 21. The first, for a machinery control message acquisition system, was described in AdvanChip's proposal as involving the "design of a message acquisition system with 7 microsecond message acquisition rate for a 17 bits word." Id. The second, for a Structure Maintenance Automated Report Transmittal System (SMART), was described as "a computerized data management system that provides comprehensive, up-to-date bridge management information for decision-makers to maintain structural and economic integrity of bridges." Id. AdvanChip explained that this productivity enhancement tool "collects, stores, retrieves and distributes all information related to bridge inspection and maintenance," and that "[t]his information management system significantly reduces the laborious effort and lengthy time required to collect, process and report bridge inspection data." Id. The USGS reviewed this information and concluded that AdvanChip's past performance was not directly related to the USGS requirements and applications because it was in business-related applications and database management systems, rather than in the development of systems involving geophysical and scientific instrumentation. Memorandum from Technical Evaluation Committee (TEC) Chairman, Mar. 22, 1999.

AdvanChip maintains that the machinery control message acquisition system under the first contract is in fact a scientific instrument for message acquisition applications. According to AdvanChip, this contract is similar to the USGS procurement in that both projects are for electronic information acquisition.

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[1]AdvanChip raised a number of other protest grounds (in its original protest and in its comments on the agency report), including a lack of meaningful discussions, misevaluation of its and CyberMetrix's technical proposals, bias in favor of CyberMetrix, and the agency's failure to remove its proposal--if it in fact was deficient--from the competitive range at an earlier stage. The agency responded to each of these arguments in its report (and its supplemental report), and AdvanChip has not rebutted the agency responses. Accordingly, we consider these issues abandoned. Arjay Elecs. Corp., B-243080, July 1, 1991, 91-2 CPD ¶ 3 at 1 n.1.

AdvanChip Comments, May 29, 1999, at 3. Similarly, AdvanChip argues that the SMART project is related to the current solicitation because it is an information technology (IT) application in database management, and the solicitation mentioned data management capabilities and IT engineering in the evaluation factors. Id.

We will review an agency's evaluation of proposals only to ensure that it was conducted reasonably and in accordance with the terms of the solicitation. SDS Int'l, Inc., B-279361 et al., June 8, 1998, 98-2 CPD ¶ 7 at 3.

The past performance evaluation was reasonable. While there may well be similarities between AdvanChip's prior contracts and the current requirement, the record shows that the similarities are not in areas the agency deemed essential for purposes of demonstrating an offeror's ability to perform the current requirement.

With regard to the message acquisition system contract, the agency explains that there are major technical differences in the development of software for a data collection platform, and electronic information acquisition. Supplemental Agency Report, June 16, 1999, at 3. In this regard, the agency explains that the data collection platform is used at various locations in its network of magnetic observatories. Id. at 4. The purpose of these magnetic observatories is to provide high quality continuous measurements of the earth's magnetic field and other geophysical parameters, including monitoring the earth's three vector field components, the scalar component, temperatures, and times. The system software must be able to perform complex functions required for observatory operations, including mathematically filtering the monitored data, and formatting the data in a special way to send it to the Geostationary Orbiting Environmental Satellite operated by the National Oceanic and Atmospheric Administration. Id. at 3-4. The agency explains further that the required data acquisition does not merely involve the transfer of data from one point to another. Rather, USGS's applications require interfacing to a variety of devices that transform physical phenomena into data. TEC Chairman Statement, June 16, 1999, at 2. This requires an extensive knowledge of timing, pulsing, time stamping, data rates, analog-to-digital conversion, and analog-to-digital resolution. The agency saw nothing in AdvanChip's proposal indicating experience in these specific areas. Rather, the proposal simply stated that AdvanChip had worked on the design of a message acquisition system, and did not otherwise describe that work as including the complex functions required for software to operate successfully on a data collection platform. There thus is no basis to question the agency's conclusion that this project did not involve experience directly related to the current solicitation.

Further, while USGS concedes that AdvanChip's work on the SMART system may show that AdvanChip has experience performing IT requirements, the agency found that there was no indication in the firm's proposal that the bridge project is similar to the scientific application required for a data collection platform. The agency thus found nothing in this project demonstrating that AdvanChip has experience in scientific instrumentation, the ability to design and develop data collection platform software that is scientific in nature, or the required knowledge of satellite communications. Supplemental Agency Report, June 16, 1999, at 4. Again, since the

information in AdvanChip's proposal does not demonstrate that this project involves scientific instrument applications, there is no basis to question USGS's conclusion that AdvanChip's proposal did not demonstrate experience directly related to the current requirement.[2] We conclude that the evaluation of AdvanChip's past performance was unobjectionable.

AdvanChip questions whether the award to CyberMetrix was proper given that CyberMetrix's proposed cost was 23 percent higher than AdvanChip's. As indicated above, the solicitation provided that technical factors would be more important than cost in the best value analysis, and USGS found that CyberMetrix's proposal was superior to AdvanChip's under the most important factor--technical excellence--and past performance. The agency also concluded that, due to its limited experience, AdvanChip would require supervision and assistance not required by CyberMetrix, which would add to the cost of AdvanChip's performance. In light of these considerations, the agency made a reasonable decision to award the contract to CyberMetrix. See Precision Echo, Inc., B-276740, B-276740.2, July 23, 1997, 97-2 CPD ¶ 114 at 7.[3]

The protest is denied.

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[2]AdvanChip argues that USGS was required to consider the relevant experience of its key personnel when it evaluated the firm's past performance. However, the RFP specifically provided that past performance would be evaluated based on contracts performed by the offeror's "business segment," RFP § L.17 L2160(d)(3), and the agency points out that the experience and qualifications of proposed staff were considered under the resource availability factor. Contracting Officer's Statement at 5. There is nothing improper in considering experience in this manner. In any case, if AdvanChip believed the experience of its personnel should be considered under the past performance factor, it was required to protest on this basis prior to the time set for the receipt of proposals. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1999).

[3]AdvanChip also argues that in deciding to make award to CyberMetrix, the agency gave undue weight to CyberMetrix's offered "extras" beyond the requirements of the solicitation. The record shows that in making the award decision the agency did consider that CyberMetrix exceeded the requirements of the solicitation in some areas, concluding that this demonstrated how well CyberMetrix understood the requirements, and underlined CyberMetrix's technical excellence. Where a solicitation calls for an award on the basis of the best value to the government, it is proper for the agency to consider that an offer exceeds the requirements of the solicitation. See F2M-WSCI, B-278281, Jan. 14, 1998, 98-1 CPD ¶ 16 at 7-8.