



## Decision

**Matter of:** Truston Technologies, Inc.

**File:** B-414617

**Date:** July 28, 2017

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Eric C. Jacobs, for the protester.  
Anthony H. Anikeeff, Esq., Williams Mullen, for HALO Maritime Defense Systems, the intervenor.  
Raymond P. Oldach, Jr., Esq., Department of the Navy, for the agency.  
Kenneth Kilgour, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

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

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### DECISION

Truston Technologies, Inc., of Annapolis, Maryland, protests the award of a contract to HALO Maritime Defense Systems, of Newton, New Hampshire, under request for proposals (RFP) No. N61331-17-R-0010, issued by the Department of the Navy, Naval Surface Warfare Center, for a waterside security barrier (WSB). The protester challenges the agency's evaluation of its technical proposal.<sup>1</sup>

We deny the protest.

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<sup>1</sup> This protest is not subject to a GAO protective order because Truston elected to proceed pro se. As such, this decision will not discuss protected information. Accordingly, our discussion of some aspects of the evaluation is necessarily general in nature in order to avoid reference to non-public information. GAO has, however, reviewed the entire record in camera to reach its conclusion.

## BACKGROUND

The RFP, set-aside for small businesses, sought proposals for the award of a fixed-price contract for one year, with a 1-year option, to the firm with the lowest-priced, technically-acceptable proposal for the second generation of WSBs, termed the Type II WSB. Agency Report (AR), Tab 2, RFP, at 20. An attachment to the RFP identified a total of 31 technical attributes for WSBs. See RFP, Attach. 1, Type II WSB Technical Attributes. The RFP identified a subset of 12 attributes as “minimum technical requirements”; a rating of unacceptable on any one of those 12 technical attributes could result in a proposal being evaluated as technically unacceptable and therefore ineligible for award. Id. at 19-20.

The RFP advised that the “burden is solely on the offeror to provide supporting documentation (e.g. brochures, catalogs, test results, or modeling and simulation results) demonstrating how these minimum technical requirements are met.” Id. at 19. The RFP further required that the “offeror shall provide enough supporting documentation with its proposal for the Government’s technical evaluation team to make an evaluation determination on whether the minimum technical requirements are met.” Id. at 19-20. There was no page limitation on the supporting documentation an offeror could provide. RFP at 17.

The agency evaluated three proposals, including the awardee’s and the protester’s. AR, Tab 3, Technical Evaluation Report (TER), at 1. The agency evaluated HALO’s proposal as technically acceptable. Id. at 16. The agency evaluated the protester’s proposal as technically unacceptable under the following four technical attributes:

Technical Attribute No.	Requirement	Threshold
7	The waterside security barrier system shall be designed to provide the following delay times for the specified threats (excluding the use of explosives):	≥ 5 min
15	Under maximum normal operating opening/closing conditions, opening and closing of the waterside security barrier shall be:	Fully Automated (see note 3)
16	The mean time to fully open/close the waterside security barrier gate under normal operating conditions shall be:	≤30 min
17	The waterside security barrier gate shall be designed with a back-up mode that allows the gate to be adequately opened/closed under the maximum normal and the maximum emergency operating design conditions regardless of current system status, without sustaining permanent damage.	≤30 min

Id. at 2, 6-8.

Truston's proposed price of \$2,120,199 was lower than HALO's proposed price of \$3,484,295. Contracting Officer's Statement at 3. The agency made contract award to HALO as the firm offering the lowest-priced, technically-acceptable proposal. This protest followed.

## DISCUSSION

The protester challenges the agency's evaluation of Truston's proposal as technically unacceptable under four technical attributes. Protest at 5-8; Comments at 1-9. The agency argues that its technical evaluation was reasonable and consistent with the terms of the solicitation, which required offerors provide information in their proposal demonstrating compliance with 12 of the technical attributes. Memorandum of Law at 10-18. While our decision does not discuss all of the protester's allegations, we have reviewed all of them and find that none provide a basis to sustain the protest. We address below two examples of the agency's evaluation of the protester's proposal: technical attribute 16, concerning mean opening/closing times; and technical attribute 17, concerning back-up modes.<sup>2</sup>

In reviewing an agency's evaluation, our Office will not reevaluate proposals; instead we will examine the record to ensure that it was reasonable and consistent with the solicitation's stated evaluation criteria and applicable procurement statutes and regulations. Metro Mach. Corp., B-402567, B-402567.2, June 3, 2010, 2010 CPD ¶ 132 at 13; Urban-Meridian Joint Venture, B-287168, B-287168.2, May 7, 2001, 2001 CPD ¶ 91 at 2. A protestor's disagreement with the agency's evaluation, without more, is not sufficient to render the evaluation unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

The solicitation contained a technical attribute that requires the mean time to open or close the waterside security barrier under normal operating conditions to be no more than 30 minutes. RFP at 19. Truston's proposal discussed the mean opening and closing time and set forth a reference on power calculations for their boat guide thrusters. AR, Tab 4, Truston Technical Proposal at 20. The agency's evaluation of Truston's proposal concluded that the "supporting documentation does not provide a reasonable explanation of how [the thruster discussion] relates to the gate size needed to support the statement of work, and does not provide a reasonable demonstration that the proposed Type II WSB system will meet the minimum technical requirements." AR, Tab 3, TER, at 8. Moreover, the agency concluded that supporting documentation does

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<sup>2</sup> Because we find that the agency reasonably evaluated Truston's proposal as technically unacceptable for failure to meet the technical attributes concerning mean opening/closing times and back-up modes, and because such a failure under any one of the technical attributes could render a proposal ineligible for award, we need not address the agency's evaluation of Truston's proposal under the technical attributes concerning delay times and maximum normal operating opening/closing conditions.

not indicate this capability “has been successfully demonstrated with any other member of the PSB [port security barrier] family of systems.” Id.

Truston argues that because the gate’s final configuration--a deliverable under the statement of work--was unknown, Truston was unable to provide the “final calculations.” Comments at 6 citing Statement of Work (SOW) at ¶ 3.0. Truston asserts that “[m]ultiple thrusters provide more thrust; this does[] not require significant engineering oriented personnel to accommodate this understanding.” Id. In other words, Truston’s challenge to the agency’s evaluation suggests that, because the size of the gate is unknown, Truston will adjust the number of thrusters so that the actual gate meets the technical attribute requirement. The protester’s challenge to the agency’s evaluation does not assert that Truston’s proposal contained the required documentation. The RFP placed the burden solely on the offeror to provide supporting documentation “demonstrating” how the 12 minimum technical requirements are met; in this instance, the record provides no evidence that Truston provided that documentation. Accordingly, we find reasonable the agency’s determination that Truston failed to meet this technical attribute requirement.

The solicitation also contained a technical attribute that requires the WSB to be designed with a back-up mode that allows the gate to be adequately opened/closed under the maximum normal and the maximum emergency operating design conditions, regardless of current system status, without sustaining permanent damage, in 30 minutes or less. RFP at 19. Under this technical attribute, the agency concluded that, while the protester’s proposal stated that a subcontractor “will design” a control system to remotely open and close the floating security barrier gate, the proposal contained no documentation that a back-up mode “exists currently, which incorporates the proposed latch release mechanism that can be evaluated with any other member of the PSB family of systems.” AR, Tab 3, TER, at 8, citing Protester’s Proposal at 21.

Truston asserts that no “proof” of the ability to meet this requirement is necessary, in as much as “[t]his is [] exactly what happens with every existing waterside security barrier currently in operation.” Comments at 2. The agency disagrees, asserting that Truston’s proposal ignored the clear requirement of the RFP that proposals document the offeror’s ability to meet the technical attribute requirements. Agency Reply to Comments at 4-5. Given that the RFP placed on the offeror the burden to provide supporting documentation demonstrating how the minimum technical requirements are met, we see no merit to the protester’s assertion that Truston’s proposal was not required to provide proof of Truston’s ability to meet the requirement of the back-up mode technical attribute.

The protester also asserts that the agency’s evaluation is unreasonable because the evaluators do not possess the qualifications to properly evaluate offerors’ compliance with the technical requirements set forth in the RFP. See Comments at 2, citing RFP at 18 (noting that “[t]he non-price proposal should be written so that management and engineering oriented personnel can evaluate the proposal”) (protester’s emphasis). We have long recognized that the selection of individuals to serve as evaluators is a matter

within the discretion of the agency, and, accordingly, we do not review allegations, such as these, concerning the evaluators' qualifications or the composition of evaluation panels absent a showing of possible fraud, conflict of interest, or actual bias on the part of evaluation officials, none of which have been alleged or shown here. Savvee Consulting, Inc., B-408416.3, Mar. 5, 2014, 2014 CPD ¶ 92 at 10 n.9; IMLCORP LLC; Wattre Corp., B-310582 et al., Jan. 9, 2008, 2008 CPD ¶ 15 at 5; Eggs & Bacon, Inc., B-310066, Nov. 20, 2007, 2007 CPD ¶ 209 at 4.

The protest is denied.

Susan A. Poling  
General Counsel