



## Decision

**Matter of:** Outreach Process Partners, LLC

**File:** B-405529

**Date:** November 21, 2011

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Janice J. Roper-Graham for the protester.

Captain Stephan D. Rice, Department of the Army, Corps of Engineers, for the agency.

Gary R. Allen, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

The agency reasonably excluded the protester's proposal from the competitive range where the proposal failed to demonstrate, within the solicitation's identified page limitations, that the protester satisfied the solicitation's company experience requirements, and where the protester's unacceptable offer was not among the most highly rated proposals.

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### DECISION

Outreach Process Partners, LLC, of Annapolis, Maryland, protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. W912P9-11-R-0708, issued by the Department of the Army, Corps of Engineers for a range of communications services related to the agency's National Flood Risk Management Program and Dam/Levee Safety Program.

We deny the protest.

### BACKGROUND

Under the National Flood Risk Management and Dam/Levee Safety Programs, the Corps has undertaken several inter-agency initiatives to focus on a comprehensive approach to flood risk management. RFP § C at 4. The RFP, issued as a small business set-aside, sought proposals for the award of a fixed-price contract for various communications services supporting these programs. The successful contractor will assist the agency with improving effectiveness, efficiency and coordination among its flood risk related programs; developing associated

communication, outreach, and training materials; implementing stakeholder involvement strategies; and analyzing stakeholder feedback to inform program direction. Id.

Offerors were informed that award would be made on a lowest-price, technically acceptable basis, considering the following technical evaluation factors: company experience, qualifications of key personnel, past performance, and specialty knowledge. RFP § M at 137-39. The RFP warned that an unacceptable rating under any technical factor would eliminate the proposal from further consideration for award. Id. at 138. The RFP required offerors to format their proposals to provide a separate response to each technical evaluation factor and identified page limitations for each of these responses. RFP § L at 135.

With respect to the company experience factor, the RFP provided for the evaluation of an offeror's experience in facilitating meetings with multiple federal agencies and national committees/groups on topics and issues involving flood risk management and levee safety issues. This experience was stated to include organizing workshops to facilitate related national policy discussions. The following minimum acceptability standards were identified for this factor:

- Offeror must have at least three (3) projects that are same/similar effort such as found in this solicitation; AND
- At least two (2) of the projects submitted must be valued at over \$100,000.00, and they must have been completed, or underway, within the last 5 years.

RFP § M at 138. Offerors were informed that proposals were limited to 10 pages in responding to this evaluation factor. RFP § L at 135.

With respect to the past performance factor, the RFP instructed offerors to provide at least three, and no more than five, completed past performance surveys for relevant projects underway or completed within the past 5 years. Id. at 136. Relevant past performance was defined to be experience working on similar type of work as described in the solicitation and experience in organizing and planning Department of Defense meetings and/or workshops for at least three projects performed within the last 5 years. RFP § M at 139. The RFP provided that proposals were limited to 25 pages in responding to this factor. RFP § L at 135.

The Corps received seven proposals, including Outreach's. The proposals were evaluated by the Corps' source selection evaluation board (SSEB). Outreach's proposal was found to be unacceptable under both the company experience and past performance factors, and unacceptable overall. Agency Report (AR), Tab K, Competitive Range Memorandum, at 2; Tab M, SSEB Chair Memorandum for Source Selection Authority, at 3. Specifically, with respect to the company experience factor, the SSEB found that Outreach had failed to provide three projects that

demonstrated its experience facilitating meetings related to national flood risk management and levee/dam safety issues. The evaluators noted that, although Outreach described related national programs, it did not provide any explanation describing how this work indicated direct experience with flood risk management. AR, Tab K, Competitive Range Memorandum, at 6. With respect to the past performance factor, the SSEB found that Outreach did not provide three relevant projects. Rather, the evaluators found that Outreach's past performance centered on public outreach and public meeting facilitation, but not facilitating meetings about levee safety. Id.

Only two proposals were found by the SSEB to be technically acceptable, and those two proposals were included in the competitive range as being the most highly-rated offers. Id. at 1. Outreach's proposal was excluded from the competitive range.

Following a debriefing, Outreach protested to our Office.

## DISCUSSION

The protester complains that the Corps did not evaluate its entire proposal in determining that Outreach failed to identify three relevant projects for its company experience.<sup>1</sup> Specifically, Outreach argues that it identified seven projects under the company experience section of its proposal and informed the Corps that this experience was detailed in the past performance section of its proposal. Comments at 8; AR, Tab J, Outreach Proposal at 7. Outreach also argues that its proposal identified 17 performance awards that the firm had received for its work, which Outreach argues demonstrates its relevant experience. Comments at 8. Finally, the protester complains that both it and employees of the Corps had attended the annual Association of State Floodplain Managers Conference in May 2011, from which the protester contends that the Corps was aware of Outreach's experience. Id. at 4.

Our Office will review an agency's evaluation and exclusion of a proposal from the competitive range for reasonableness and consistency with the solicitation criteria and applicable statutes and regulations. Int'l Med. Corps, B-403688, Dec. 6, 2010, 2010 CPD ¶ 292 at 7. Contracting agencies are not required to retain in the competitive range proposals that are not among the most highly rated or that the agency otherwise reasonably concludes have no realistic prospect of being selected for award. Federal Acquisition Regulation (FAR) § 15.306(c)(1); D&J Enters., Inc., B-310442, Dec. 13, 2007, 2008 CPD ¶ 8 at 2. In this regard, a protester's mere disagreement with an agency's evaluation and competitive range judgment does not

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<sup>1</sup> Because we find that Outreach's proposal was reasonably determined to be technically unacceptable under the company experience factor, we do not address the protester's arguments challenging the evaluation of its past performance.

establish that the agency acted unreasonably. SPAAN Tech, Inc., B-400406, B-400406.2, Oct. 28, 2008, 2009 CPD ¶ 46 at 9.

Here, as noted above, the Corps found that Outreach's proposal did not identify three projects that demonstrated the firm's experience facilitating meetings related to national flood risk management and levee/dam safety issues. AR, Tab K, Competitive Range Memorandum, at 6. Although Outreach argues that it identified seven projects under this section of its proposal, the record shows that Outreach provided only general information about the identified projects, noting little more than the number of meetings it had set up and stating that these meetings involved flood risk management and dam safety issues. See AR, Tab J, Outreach Technical Proposal at 4-12. This very limited information fails to demonstrate, for any of Outreach's identified seven projects, the firm's experience in facilitating meetings related to national flood risk management and levee/dam safety issues. With respect to the protester's argument that the 17 performance awards listed in this section of Outreach's proposal demonstrates its experience, the proposal does no more than list a number of awards without supporting detail. See id. at 4-5. This also does not demonstrate that Outreach has relevant experience facilitating meetings related to national flood risk management and levee/dam safety issues.

Outreach states that, although it provided limited information about its projects in the section of its proposal addressing the company experience factor, it provided more detailed information in the section of its proposal addressing the past performance factor. Comments at 8; see AR, Tab J, Outreach Proposal at 7. In this regard, Outreach notes that although the RFP established page limitations for offerors' responses to each evaluation factor, the solicitation did not prohibit offerors from cross-referencing sections in responding to the evaluation factors. Comments at 3-4. Outreach contends that by cross-referencing detailed information in its response to the past performance factor, it adequately demonstrated its relevant experience under the company experience factor. Id.

We disagree. Although the RFP may not have specifically prohibited cross-referencing, the solicitation specified page limitations for responses under each evaluation factor. As noted above, the RFP limited responses to the company experience factor to 10 pages, and responses to the past performance factor to 25 pages.<sup>2</sup> See RFP § L at 135. Allowing Outreach to satisfy the requirements of the company experience factor by referencing other parts of its proposal would improperly increase the number of pages for addressing company experience,

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<sup>2</sup> To the extent that Outreach believes that the RFP's page limitations were too restrictive or that the solicitation's instructions were ambiguous with respect to the stated limitations, these alleged apparent solicitation improprieties were required to be protested prior to the closing time for receipt of proposals. See 4 C.F.R. § 21.2(a)(1) (2011); SMARTnet, Inc., B-400651.2, Jan 27, 2009, 2009 CPD ¶ 34 at 6 n.10.

without allowing other offerors the same opportunity. See North Wind Inc.; Earth Res. Tech., Inc., B-404880.4 et al., Nov. 4, 2011, 2011 CPD ¶ \_\_ at 12 (an agency improperly considered portions of an awardee's proposal that were outside the solicitation stated page limitations). It is a fundamental principle of government procurement that competition must be conducted on an equal basis; that is, offerors must be treated equally and be provided with a common basis for the preparation of their proposals. Electronic Design, Inc., B-279662.2 et al., Aug. 31, 1998, 98-2 CPD ¶ 69 at 10.

In sum, we find reasonable the Corps' determination that the protester's proposal was technically unacceptable. The record shows that Outreach failed to demonstrate that it satisfied the company experience requirements within the page limitations stated by the RFP. An agency's evaluation is dependent on the information furnished in a proposal; thus, it is the offeror's responsibility to submit an adequately written proposal for the agency to evaluate.<sup>3</sup> SC&A, Inc., B-270160.2, Apr. 10, 1996, 96-1 CPD ¶ 197 at 5. As we have often said, an offeror that does not submit an adequately written proposal runs the risk of having its proposal rejected as unacceptable. L-3 Communications EOTech, Inc., B-311453, B-311453.2, July 14, 2008, 2008 CPD ¶ 139 at 4. Because Outreach's proposal was not among the most highly-rated offers, the firm's proposal was reasonably excluded from the competitive range.

The protest is denied.

Lynn H. Gibson  
General Counsel

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<sup>3</sup> We find no merit to Outreach's argument that the Corps should have credited the protester for company experience of which the agency was allegedly aware from the May 2011 annual Association of State Floodplain Managers Conference. In some limited circumstances we have recognized an agency's obligation (as opposed to discretion) to consider past performance information outside of an offeror's proposal that was "too close at hand" to ignore. See Int'l Bus. Sys., Inc., B-275554, Mar. 3, 1997, 97-1 CPD ¶ 114 at 5. Even were we to accept the applicability of that doctrine here, Outreach does not demonstrate that the Corps learned, or should have learned, information demonstrating that Outreach satisfied solicitation requirements for company experience.