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Mr. Boyle  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-202360

DATE: June 30, 1981

MATTER OF: P & L Investment Corporation

**DIGEST:**

Where initial and revised proposal failed to demonstrate adequate technical approach and management plan, agency properly excluded proposal from competitive range. Solicitation warned offerors that failure to submit that information could result in rejection of proposal. Moreover, agency specifically notified protester of deficiency and protester did not correct it. Since agency had reasonable basis to exclude proposal, other bases of protest need not be considered.

P & L Investment Corporation (P & L) protests the determination of the Federal Emergency Management Agency (FEMA) to exclude P & L's proposal from the competitive range in connection with FEMA's procurement of standby damage assessment inspection services under request for proposals (RFP) No. EMW-R-0410.

FEMA eliminated P & L from the competitive range because, in FEMA's view, P & L did not provide an acceptable technical approach and management plan, even after FEMA wrote to P & L and specifically advised P & L of that deficiency in its proposal. P & L contends that it is fully qualified to perform the required services and that the contracting officer should have considered information outside its proposal, such as its prior successful work on FEMA contracts. P & L also contends that FEMA's evaluators did not have a reasonable basis for their scoring of P & L's proposal; thus, the evaluation panel's scoring of P & L's proposal was unreliable and arbitrary. We find that P & L's protest is without merit.

*Protest of Agency Determination To Exclude Proposal From  
Competitive Range*  
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The RFP indicated that FEMA would award multiple contracts for the required standby services to offerors whose proposals were considered most advantageous to the Government according to certain disclosed technical, management, and cost factors. The RFP required offerors to describe their technical approach to satisfying the RFP's requirements and to state the method proposed to solve the technical problems. The RFP stated that "the technical approach should be specific, detailed, and complete enough to clearly and fully demonstrate that [the offeror] understand[s] the requirements for and the technical problems inherent in the end objectives here involved, with a valid practical solution for such problems." The RFP similarly stated that offerors were required to discuss their technical management approach to problem solution. The RFP warned offerors that stating that the requirements are understood and that the offeror will comply with the specifications would be inadequate. The RFP also warned offerors that data previously submitted could not be considered and should not be incorporated in the technical proposal by reference. Finally, the RFP notified offerors that the failure to submit adequate discussion of technical approach and technical management may result in rejection of the proposal.

FEMA received 34 proposals. Offerors submitted one set of proposals without identifying the offeror except for a code number. FEMA's evaluation panel scored the coded, initial proposals based on the RFP's evaluation criteria and determined that 16 were technically acceptable and that seven (including P & L's) were susceptible of being made acceptable with modifications. P & L's proposal received the lowest score in its group. FEMA advised P & L that its proposal was deficient in four areas, including P & L's failure to submit an acceptable technical approach and management plan. P & L revised its proposal, apparently satisfying the other three deficiencies, but, in FEMA's view, P & L did not submit an acceptable plan for technical approach or technical management. P & L was eliminated from the competition on that basis. Later, FEMA made award to five firms.

P & L protested its elimination to FEMA. In considering P & L's protest, FEMA noticed that it had

incorrectly computed the average of the three evaluators' individual scores, resulting in a decrease in P & L's initial score, which was 56 as originally reported but should have been 47.67. FEMA reviewed P & L's proposal, had the evaluators confirm their original scores, and denied P & L's protest.

First, P & L objects to its elimination from the competitive range solely on the basis of its proposal because P & L had performed damage assessment inspection services for FEMA and other agencies and P & L has a successful record of performance of this type of work. P & L contends that the contracting officer should have recognized P & L's experience and capability and not restricted consideration of P & L solely to its proposal. P & L argues that it was improper for the contracting officer to rely so heavily on the technical panel scoring in making the determination to eliminate P & L from the competition.

Second, P & L objects to the scoring of its proposal by the individual evaluators. P & L believes that their scoring was inconsistent and unreasonable, making the panel's composite unreliable and arbitrary.

In reply, FEMA reports that the contracting officer's determination to exclude P & L's proposal was properly based on the recommendations and evaluations of the technical panel. FEMA also contends that the evaluators acted fairly and impartially in the initial evaluation of proposals; further, the evaluators confirmed their evaluation and specific scoring after P & L's protest.

We believe that P & L's concerns--whether the contracting officer may rely entirely on the panel's evaluation without considering information on the firm's capability known to the Government and whether the individual scores are reasonable--are irrelevant. Before we would need to consider P & L's bases of protest, we must address whether P & L submitted an otherwise acceptable proposal. To be acceptable, the RFP required an offeror to submit an adequate description of its proposed technical approach and its proposed technical management plan. Without the required adequate description and the required management plan,

as the RFP warned, the proposal could be rejected. The record shows that that is the precise reason that FEMA rejected P & L's proposal since P & L failed to correct the deficiency after being specifically advised to do so by FEMA.

In deciding protests against an agency's determination to exclude a proposal from the competitive range, we recognize that such a determination is primarily a matter of administrative discretion, which we will not question when the agency has a reasonable basis. See, e.g., Decilog, B-198614, September 3, 1980, 80-2 CPD 169. In Decilog, we concluded that the protester failed to translate its knowledge and capabilities into the initial proposal and that the procuring agency reasonably determined that the protester did not understand the work requirements. In Price Waterhouse & Co., B-202196, May 14, 1981, 81-1 CPD 375, we concluded that where the protester's proposal failed to demonstrate an adequate understanding of the problem, did not contain a detailed work plan, and failed to show that necessary work could be accomplished at the low number of hours proposed, the agency properly excluded the proposal from the competitive range.

In the instant matter, we have reviewed P & L's initial proposal, FEMA's initial evaluation concluding that P & L's proposed approach and management plan was inadequate, FEMA's notification to P & L of the deficiency, P & L's revised proposal, FEMA's evaluation panel's report on P & L's revised proposal, and FEMA's detailed report. We find no basis in those documents or in P & L's initial protest submission or P & L's comments on FEMA's report to question the reasonableness of FEMA's determination that P & L's proposed approach and management plan was inadequate. Consequently, FEMA properly excluded P & L's proposal from the competitive range on that basis. Therefore, we need not consider P & L's contentions regarding other information about P & L's experience in the Government's possession or the scoring of P & L's proposal.

Protest denied.



Acting Comptroller General  
of the United States