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DECISION



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

FILE: B-190452

DATE: March 15, 1978

MATTER OF: Management Information Technology

DIGEST:

1. There is nothing objectionable in procuring activity downgrading proposal and not including offeror in competitive range where proposal suffers from information deficiency regarding qualifications of personnel, which was most important evaluation factor.
2. Protest that evaluation factors were unequally applied and that protester's proposal was superior to that of awardee is denied as review of technical evaluation shows award was not unreasonable or arbitrary and it is not GAO's function to make independent judgments as to technical merits of competing proposals.
3. Where competing technical proposals are essentially equal as evidenced by both proposals receiving same technical score, cost may become determinative factor, notwithstanding that in overall evaluation scheme cost was of less importance than other factors.
4. Award may not be withheld merely because low offer may be below-cost offer.

Management Information Technology (MIT) has protested awards under requests for proposals (RFP) Nos. FSQS-1-H-77 and FSQS-3-H-77, issued by the United States Department of Agriculture.

FSQS-1-H-77

This RFP was for the review, editing and arrangement of 17,000 records of products which

E-190453

had been evaluated by the Compound Evaluation Laboratory, Food Safety and Quality Service, Department of Agriculture.

Five proposals were received in response to the RFP. Award was made to Advanced Logistics Management, Inc. (ALM), at a price of \$45,720. ALM received a technical score of 81. MIT's proposal was given a technical score of 61 and its proposed price was \$39,700.80.

MIT contends that the work to be performed under the contract is clerical, that the individual it proposed to perform the contract was well qualified and that its proposal offered a lower cost to the Government.

The RFP listed the following evaluation criteria in order of descending importance:

1. Organization and Personnel
2. General Quality and Responsiveness of Proposal
3. Price

This list of evaluation factors was adequate to advise offerors that price was of least importance in the contractor-selection process and would not be controlling in making the award.

Further, a review of the evaluation sheets of the proposals submitted shows that the personnel proposed by MIT did not possess the type of experience deemed necessary by the evaluators to adequately perform the contract. MIT admits that its resume submitted with its proposal did not contain full and complete information on its personnel. ALM's proposed personnel was found by the evaluators to have experience similar to that required by the RFP.

No matter how capable a firm may be, if it does not submit an adequate written proposal, it will not

B-190453

be considered in the competitive range. Phelps Protection Systems Inc., B-181148, November 7, 1974, 74-2 CPD 244. Thus, offerors who fail to submit clear and complete proposals may be eliminated from the competitive range, even though their proposals only suffer from informational deficiencies. University of New Orleans, B-184194, January 14, 1976, 76-1 CPD 22. Accordingly, we find nothing improper in Agriculture's downgrading the proposal of MIT nor in the award to ALM. Consequently, the protest of this award is denied.

FSQS-3-H-77

This solicitation was for the design, implementation and operation of a computerized chemical thesaurus, the extraction of formula and other information from microfilmed files and the coding of the formulas according to the thesaurus.

Award of the resulting contract was made to Ruhl Associates at a fixed price of \$35,979. MIT's offered price was \$135,000.

MIT's protest consists of a review of the technical proposal of Ruhl and statements of MIT's views of the shortcomings of the successful proposal. MIT contends that the evaluation criteria were not equally applied and that Ruhl's contract should be set aside until the proposals can be evaluated by a qualified technical team.

As we have often stated, it is not the function of this Office to evaluate proposals or to make independent judgments as to the precise numerical scores which should have been assigned to the proposals. Therefore, determinations by procuring agencies regarding the technical merits of proposals will be questioned by this Office only upon a clear showing of unreasonableness, abuse of discretion or a violation of the procurement statutes and regulations. Automatic Information Retrieval Systems, Inc., B-188550, August 4, 1977, 77-2 CPD 80, and Joseph Legat Architects, B-187160, December 13, 1977, 77-2 CPD 458. The fact

B-190453

that the protester does not agree with the agency's evaluation does not render the evaluation arbitrary or illegal. Honeywell, Inc., B-181170, August 8, 1974, 74-2 CPD 87. After examining the proposals of MIT and Ruhl, the RFP's evaluation factors, the evaluators' scoresheets and comments, as well as all submittals by MIT with respect to its protest, we cannot conclude that the decision to make award to Ruhl was unreasonable, arbitrary or in violation of statute or regulation.

Finally, MIT argues that Ruhl's proposal price of \$35,979 is too low to adequately perform the contract. The procuring activity advised MIT, at its debriefing, that Ruhl had verified its price and that Ruhl was found to be a responsible offeror. We have held that an award may not be withheld merely because the low offer is, even as alleged by MIT, below cost. Allied Technology, Inc., B-185866, July 12, 1976, 76-2 CPD 34.

Moreover, the technical proposals of MIT and Ruhl both received a technical score of 76 points, thereby evidencing that the proposals were viewed as essentially equal technically. In such cases, cost or price may become the determinative factor notwithstanding that in the overall evaluation scheme, cost was of less importance than other criteria, as here. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD 325.

Accordingly, our Office has no objection to the award to Ruhl and the protest is denied.


Deputy, Comptroller General
of the United States