

DECISION



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

FILE: B-207057

DATE: July 19, 1982

MATTER OF: Employee Assistance Service

DIGEST:

Where higher priced proposal was not rated significantly higher in technical quality, and was regarded by agency as essentially equal to second-ranked, lower-priced proposal, agency's determination to award contract to lowest priced offeror is not objectionable.

Employee Assistance Service (E.A.S.E.) protests the award of a contract to Counseling Program for Employees (COPE), the lowest priced technically acceptable offeror under request for proposals (RFP) No. R6-6-82-12, issued by the Forest Service, Mt. Hood National Forest, Gresham, Oregon. The solicitation, a small business set-aside, requested offers for an employee assistance program to provide counseling and other assistance to Forest Service employees and their immediate families. For the reasons discussed below, we deny the protest.

The solicitation described the evaluation and award criteria, in part, as follows:

"(a) Technical Evaluation Factors

The following factors shall be used in the evaluation of proposals. The relative importance of the evaluation factors is indicated by the point totals herein. The point totals reflect the maximum points obtainable for each factor.

<u>CRITERIA</u>	<u>POINTS</u>
1. Knowledge of employee assistance program concepts, policy, and operation.	20

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| 2. | Methods of maintaining required confidentiality of client information and problems which may be encountered. | 10 |
| 3. | Knowledge of needs and any special requirements of the organizations to be served. | 5 |
| 4. | Knowledge and use of existing area community treatment/rehabilitation resources. | 15 |
| 5. | Suitability and accessibility of employees to the Contractor's office. | 10 |
| 6. | Qualifications of the Contractor to evaluate employee problems and manage their cases for rehabilitation purposes. Education and experience in counseling. | 40 |

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"(b) Cost-Proposal Factors

Cost shall be considered as an award factor, but will be of less importance than the technical evaluation factors in the selection process.

Lowest Price - 25 Points

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"(d) Basis of Award

Award shall be made to the responsible offeror whose offer, conforming to this Request for Proposals (when evaluated in accordance with the factors set forth above) is determined to be the most advantageous to the Government technical evaluation factors, costs, and other factors considered."

E.A.S.E., COPE and five other offerors submitted proposals. E.A.S.E. and COPE were among the four firms within a competitive range and negotiations were conducted. The Forest Service has reported that based upon the best and final offers, COPE and E.A.S.E. were ranked the highest as follows:

<u>Firm</u>	<u>Technical Points</u>	<u>Price Points</u>	<u>Total Points</u>
COPE	84/100	25(\$6,300)	109
E.A.S.E.	88/100	18(\$8,650)	106

The agency explains that E.A.S.E.'s proposal was technically superior to COPE's as to the first five criteria but not the sixth and most important criterion, which related to the offeror's qualifications, education and experience. Therefore, the overall difference in technical merit was not sufficient to justify the additional cost of awarding the contract to E.A.S.E. Rather, since the two proposals were essentially equal technically, the lower cost of COPE's proposal more than offset the minimal technical advantage of E.A.S.E.'s higher cost proposal. The agency concludes that award was properly made to COPE which submitted the "most favorable offer, price and other factors considered and meeting the Government's needs."

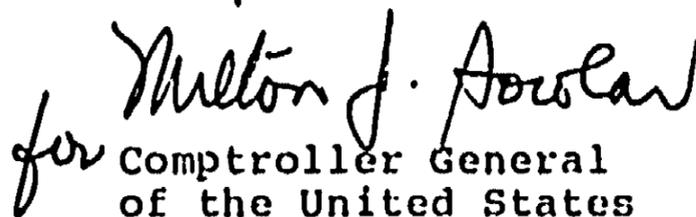
E.A.S.E. has protested the award to COPE contending that it was entitled to the award. In the opinion of the protester, even its higher technical score of 88 was too low and should be raised by four points (which would make its total score 110) because of the "technical quality" of its proposal. The protester, which is the incumbent, maintains that its proposal is "more superior" than reflected in the scoring since it spent considerable time while performing its prior contract enhancing the visibility of the counseling program by conducting training-orientation sessions, attending meetings, distributing literature, making random visits with employees and consulting with supervisors. E.A.S.E. maintains that the trust and credibility it has developed with the agency's employees "is not only of great significance but difficult to measure. It may have been a factor left out of the standards for the RFP because some took it for granted. Once it is given visibility as an issue * * * others will agree that [the] proposal is superior * * *."

The evaluation of proposals is the function of the contracting agency and an agency's determinations are entitled to great weight. Unless an agency's evaluation results are clearly shown to have no reasonable basis, they will be upheld. See Joseph Legat Architects, B-187160, December 13, 1977, 77-2 CPD 458. We will not become involved in making independent judgments as to the precise numerical scores which should have been assigned to proposals. Joseph Legat Architects, supra.

E.A.S.E.'s performance during its prior contract was not, at least directly, an evaluation criterion of the solicitation. The assignment in essence, of bonus technical points for past contractual performance in the absence of a solicitation provision would not be proper.

Here, the technical merit of the proposals was given greater weight than price. The protester received higher scores than COPE as to evaluation factors which accounted for 60 percent of the total technical score. On the other hand, COPE scored higher on the single most important factor, which had a weight of 40 percent. The net result was that the technical scores of the two firms were within five percent of each other. Under these circumstances, we cannot conclude that the contracting officer was unreasonable in determining that the two proposals were essentially equal technically. See Edwin G. Toomer, B-201969, September 29, 1981, 81-2 CPD 262. Once that determination was made, as the agency points out, there was no justification for awarding the contract at E.A.S.E.'s higher price. In this light, we do not see how the protester's allegations demonstrate any impropriety in the evaluation and selection process.

The protest is denied.

for 
Comptroller General
of the United States