

Gorczycki
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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: World Marketing & Trading Corporation

File: B-248050

Date: July 27, 1992

Christopher E. Powell, Jr., for the protester.
Craig R. Schmauder, Esq., Department of the Army, for the agency.

Henry J. Gorczycki, Esq., and James A Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Procuring agency satisfied its duty to disclose the evaluation factors and the relative importance of these factors by stating in the solicitation that award will be made to the lowest priced, technically acceptable offeror and stating that the weight of each technical evaluation factor is equal.

DECISION

World Marketing & Trading Corporation protests request for proposals (RFP) No. DACA31-92-R-0055 issued by the Army Corps of Engineers, Baltimore, Maryland, for custodial services at Fort Belvoir, Virginia. World Marketing basically asserts that the RFP did not adequately state the evaluation criteria.

We deny the protest in part and dismiss it in part.

The Corps issued the RFP on February 12, 1992. Paragraph M.1 of the RFP described an evaluation process, in which a technical evaluation team would review and rate each proposal either acceptable or unacceptable on each of five technical evaluation criteria. A proposal would be acceptable only if the evaluation team gave the proposal an acceptable rating for each criterion. Paragraph M.2 stated that the Corps would "select the most advantageous offer to the [g]overnment based on technical merit, cost and other factors considered," but also that "[t]he [g]overnment desires to award to the lowest priced, technically acceptable offer determined to be responsible." Proposals were due on March 24, 1992.

On March 23, World Marketing protested to our Office. It asserted that the RFP evaluation section was deficient because the representations in paragraphs M.1 and M.2 concerning how proposals would be evaluated for award were contradictory. World Marketing also asserted that the RFP failed to state the relative weights assigned to the technical evaluation criteria in paragraph M.4. The protester also contends that the agency failed to adequately respond to various questions. Finally, World Marketing requests a copy of the incumbent contractor's technical proposals submitted to obtain the award of various contracts.

The Corps basically agreed with the assertions regarding the evaluation criteria and took corrective action in amendments 12, 13 and 14 to the RFP. The RFP now unambiguously provides that award will be made to the lowest priced, technically acceptable offeror, and, at the end of RFP paragraph M.4, which described the technical evaluation criteria, the Corps inserted a sentence stating, "[e]ach criterion is of equal importance." These amendments also provide further responses to the questions which World Marketing asserts were not adequately responded to. Finally, in its report the agency stated that it could not provide the requested technical proposals since they were proprietary.

In its comments on the agency report--a report which fully describes and defends the agency's position on the protest contentions--World Marketing no longer complains that the question responses were inadequate or that it is entitled to its competitor's proposals. Under the circumstances, we consider World Marketing to have abandoned these issues and will not consider them further. Hampton Roads Leasing, Inc., 71 Comp. Gen. 90 (1991), 91-2 CPD ¶ 490.

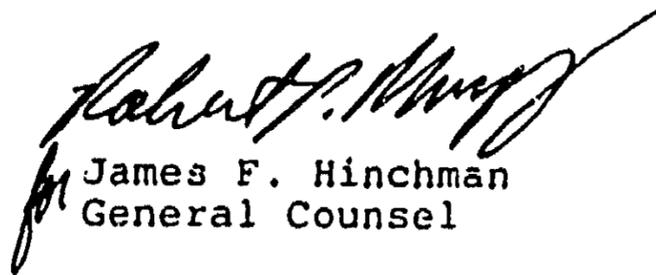
However, notwithstanding the amendments to the RFP, World Marketing continues to assert that the RFP evaluation plan is defective. For example, World Marketing contends that the assignment of equal weight to each technical evaluation criterion muddles the situation because it is inconsistent with the performance priorities that World Marketing asserts are the industry standards.

A solicitation must clearly state the evaluation factors that the procuring agency will consider in making the source selection and the relative importance of these factors. Federal Acquisition Regulation (FAR) § 15.605(e). The evaluation factors that should apply to an acquisition, and the relative importance of these factors, are within the broad discretion of agency acquisition officials. FAR § 15.605(b).

Here, the RFP, as amended, plainly states that award will be made to the lowest priced, technically acceptable offeror. A solicitation stating that award will be made to the lowest priced, technically acceptable offeror sufficiently indicates the relative importance of technical quality to price. Kastle Sys., Inc., B-231990, Oct. 31, 1988, 88-2 CPD ¶ 415.

In addition, the relative importance of the technical evaluation factors, which were said to be weighted equally, could not more clearly be expressed. World Marketing's view of how contractors within the custodial service industry would weight these evaluation factors is not relevant, since the Corps is acquiring the solicited services to meet its needs, not the needs of the offerors. As the Corps is most familiar with its needs, it is within the Corps's discretion as to how it will evaluate proposals, including what weight it will accord the evaluation factors. See Kastle Sys., Inc., supra. There is no showing that the Corps abused its discretion in the weighting of the technical evaluation factors since each factor represents a minimum requirement of the Corps.

The protest is denied.


James F. Hinchman
General Counsel