



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: PCL/American Bridge
File: B-254511.2
Date: February 24, 1994

G. Christian Roux, Esq., McClintock, Weston, Benshoof, Rochefort, Rubalcava & MacCuish, for the protester. Robert M. Fitzgerald, Esq., Watt, Tieder & Hoffar, for Dillingham Construction N.A., Inc., an interested party. John M. Manfredonia, Esq., Department of Veterans Affairs, for the agency. Katherine I. Riback, Esq., and James Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. In evaluating the awardee's experience under the solicitation's evaluation criteria, the agency reasonably credited the awardee with the base isolation system installation experience that its subcontractor would have by the time performance began on this contract, even though this work had not been completed at the time of the evaluation.
2. Price was given appropriate weight in a formula used in making a cost/technical award selection tradeoff where the lowest-priced offer was assigned the maximum possible points and the remaining proposal prices were converted to point scores by dividing the lowest price by the evaluated offeror's price and multiplying resulting quotients by the maximum score for price, which was assigned a weight consistent with that indicated by the solicitation.

DECISION

PCL/American Bridge (PCL/AB), a joint venture, protests the award of a contract to Dillingham Construction N.A., Inc. under request for proposals (RFP) No. 9218-AE, issued by the Department of Veterans Affairs (VA).

We deny the protest.

The agency issued the RFP on March 1, 1993, seeking proposals for a firm, fixed-priced contract to perform seismic correction work, including the installation of a lead-rubber base isolation system at the Veterans Medical

Center, Long Beach, California. The purpose of this system is to allow the hospital to better withstand an earthquake.¹ The RFP stated that award would be made to the responsible offeror whose offer conforming to the RFP will be the most advantageous to the government, cost or price and other factors considered. In this regard, the RFP provided:

"Proposals will be evaluated by the Government on the basis of QUALIFICATION FACTORS (SECTION I) and TECHNICAL PROPOSAL (SECTION II) (both carrying equal weight), followed by the COST (PART I) (less value than the other two sections independently). Award will be made to the offeror in the competitive range receiving the highest combined technical and cost score."

To implement the RFP award selection criteria, the agency established a 100-point evaluation formula, not disclosed to the offerors, under which 40 points each were assigned to "Qualification Factors" (experience) and to "Technical Proposal" (a description of the proposed methods, schedules and procedures), with the remaining 20 points reserved for cost. With regard to the evaluation of cost, the proposal with the lowest proposed price received 20 points, the maximum point rating, and the remaining price proposals were scored by dividing the lowest price by the price of the offeror whose price was being evaluated, and by then multiplying the quotient resulting from the foregoing calculation by 20. The Qualification Factors, Technical Proposal, and cost point scores were then added to determine the highest score, which was considered by the VA to represent the most advantageous proposal.

¹The scope of the work includes all work necessary to isolate the building from the surrounding ground throughout all existing and new walls, partitions, mechanical, plumbing, telephone, communication and electrical systems, and to fabricate, test, and install a seismic base isolation system that will support the 12-story reinforced concrete shear wall building. All work is to be performed while the building remains in operation.

There are different types of base isolation systems or seismic isolation bearings, such as high-damping rubber seismic isolation bearings, lead-rubber seismic isolation bearings, and friction pendulum seismic isolation bearings. See generally Dynamic Isolation Sys., Inc., B-247047, Apr. 28, 1992, 92-1 CPD ¶ 399. The contractor under this contract is to install the lead-rubber base isolation system manufactured by Dynamic Isolation Systems, Inc.

Five offerors submitted proposals by the April 22 closing date. All five proposals were found technically acceptable and the agency conducted written discussions and requested best and final offers (BAFO) by June 11. PCL/AB's BAFO received the third highest technical score of 64.8 points, and its low price of \$15,771,777 received 20 points, for a total score of 84.8 points. Dillingham's BAFO received the highest technical score of 73 points, and its price of \$19,007,000, received a score of 16.6 points,² for the highest combined total score of 89.6 points.

After totaling the technical and cost points, the agency determined that Dillingham's proposal, which received the highest combined point score, was the most advantageous to the VA, and award was made to that firm on August 6. This protest followed. Performance has been withheld pending our resolution of this protest.

PCL/AB first contends that the agency unreasonably evaluated Dillingham's technical proposal. Specifically, PCL/AB contends that the agency evaluators incorrectly gave Dillingham credit for its proposed subcontractor's experience in the installation of a base isolation system on an ongoing project with which the subcontractor is involved, when in fact the actual installation of the base isolation system had not been completed.

It is not a function of this Office to evaluate technical proposals; rather we will examine the agency's evaluation only to ensure that it was fair and reasonable and consistent with the evaluation criteria stated in the RFP. JWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. The fact that the protester disagrees with the agency does not itself render the evaluation unreasonable. Telos Field Eng'g, B-251384, Mar. 26, 1993, 93-1 CPD ¶ 271.

As indicated above, Qualification Factors was one of the most important evaluation factors, worth a total of 40 points. This evaluation factor was broken down into six subfactors relating to experience, with the most important subfactor, experience in the installation of a base isolation system, worth 12 points.³

² $\frac{15,771,777}{19,007,000} \times 20 = 16.6$ points.

³The other, less weighted Qualification Factors listed in descending order of importance are the offeror's experience in: (1) rigging, jacking, shoring or underpinning of existing buildings; (2) retrofitting and structural strengthening of existing health care facilities in

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According to PCL/AB's proposal, the protester did not have any experience in the installation of base isolation systems. PCL/AB nevertheless received 6.2 out of 12 points for this qualification factor,⁴ and a total of 29.6 out of a possible 40 points for the Qualification Factors.

On the other hand, Dillingham's proposal dated April 1993 describes the base isolation system installation experience of Sheedy Company, its subcontractor, and A.J. Miller & Co., its structural engineering consultant, on an ongoing project at Oakland City Hall, California, and stated that the base isolator installation work for that project would begin in April 1993 and continue through December 1993.⁵ Dillingham received 9.2 out of 12 points for base isolation installation experience and a total of 36 out of 40 points for the qualification factors.

We find nothing wrong with the evaluators crediting Dillingham with experience that its subcontractor would have by the time performance began on this RFP work.⁶ In this regard, the RFP required offerors to "provide a complete description of corporate experience on projects of the type required by this contract which are currently in progress or have been completed with the past seven (7) years" and that "(o)fferors will be evaluated based on the nature of the projects completed by the firms and their similarity in type and scope to VA's proposed project." [Emphasis added.] The experience that Dillingham's subcontractor was obtaining in

³(...continued)
seismically active areas of California; (3) retrofitting existing buildings that have remained in operation; (4) construction of projects of comparable complexity, including design/build of specialty engineering oriented projects; and (5) California codes and construction standards.

⁴PCL/AB does not protest the rating of its proposal regarding this particular qualifications factor or claim that it has any such experience.

⁵Miller is also a consultant on a project to install a base isolation system at the United States Court of Appeals Building, San Francisco, California.

⁶While some of the evaluators' statements suggest that they thought Sheedy had completed the base isolation system installation on the Oakland project, the evaluation documentation, read as a whole, shows that the evaluators were cognizant that the installation of the isolators on the Oakland project had not occurred at the time of the evaluation.

installing base isolators similar those to be installed under this solicitation--which work was to be completed by the time this base isolation system was to be installed--was translatable to this project. Thus, the experience on the Oakland City Hall project properly could be taken into account in evaluating proposals for this contract. Moreover, it is permissible to base such an evaluation on the experience of the intended subcontractor when the subcontractor is to do the very work to which the experience is applicable. See Seair Transport Servs., Inc., B-252266, June 14, 1993, 93-1 CPD ¶ 458. Since PCL/AB does not otherwise challenge the evaluation of Dillingham's experience, we find the agency reasonably found Dillingham's experience was superior to that evidenced by PCL/AB's proposal.⁷

PCL/AB also argues that the agency failed to consider whether the awardee's higher technical score reflected any technical superiority that was worth the price premium and that "essentially no weight" was given to price.

Source selection officials have broad discretion to determine the manner and extent to which they will make use of the technical and cost evaluation results in negotiated procurements. DynCorp, B-245289.3, July 30, 1992, 93-1 CPD ¶ 69. When point scores are used, they typically are not controlling, but are used as guidance by the source selection official. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1975), 75-1 CPD ¶ 325. However, while we have encouraged agencies not to rely on point scores alone, see Harrison Sys. Ltd., 63 Comp. Gen. 369 (1984), 84-1 CPD ¶ 572, when point scores are reasonable and supported by the record, an agency may use the results of the scoring as indicative of whether evaluated technical superiority is worth the associated cost premium. See Dyncorp, supra; Minigraph, Inc., B-237873.2, May 14, 1990, 90-1 CPD ¶ 470; Eaton-Kenway, B-212575.2, June 20, 1984, 84-1 CPD ¶ 649.

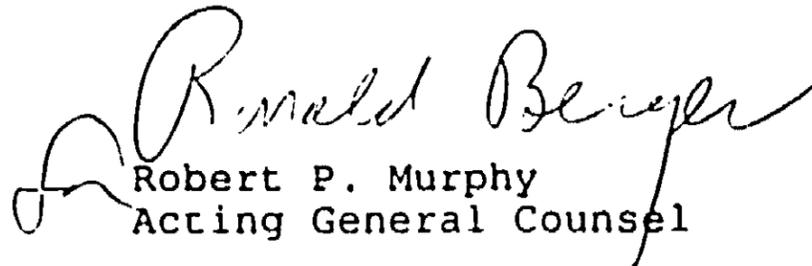
The formula used in making this source selection, which gave 40 points each to the Qualifications Factors and Technical Proposal criteria and only 20 points to cost, was consistent with the RFP evaluation scheme. While PCL/AB argues that VA accorded too little weight to cost, we have not objected to the formula employed here to calculate cost points from total prices, where the lowest price proposed is assigned maximum price points and others are assigned points based on

⁷Much of the rest of the Dillingham's evaluated superiority for the Qualification Factors stems from its higher rating for the factor involving experience in retrofitting and structural strengthening of existing health care facilities in California, which is not challenged by PCL/AB.

their closeness to the low offer, and where the total weight assigned to cost is consistent with the RFP. See Centex Constr. Co., Inc., B-238777, June 14, 1990, 90-1 CPD ¶ 566; Didactic Sys., Inc., B-190507, June 7, 1978, 78-1 CPD ¶ 418.

Based on our review, we cannot find unreasonable the agency's application of the formula used here to determine that offeror whose proposal is most advantageous to the government. As indicated above, the agency reasonably found and documented that Dillingham's experience was superior to that of PCL/AB, as reflected in the point scores awarded, and that this higher technical score reflected its significant technical advantage. In any case, during the course of this protest, VA produced affidavits from the contracting officer and the chairperson of the evaluation board, stating that Dillingham's base isolation installation experience and hospital experience reflected a significant technical advantage, and VA states that this superiority justified the price premium.⁸ Therefore, we find the award selection was reasonable and consistent with the RFP.

The protest is denied.


Robert P. Murphy
Acting General Counsel

⁸In reviewing a selection determination, we will look at the entire record, including statements and arguments submitted during the protest. See Burnside-Ott Aviation Training Center, Inc.; Reflectone Training Sys., Inc., B-233113; B-233113.2, Feb. 15, 1989, 89-1 CPD ¶ 158.