



G A O

Accountability * Integrity * Reliability

**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: Kathryn Huddleston & Associates, Ltd.

File: B-294035

Date: July 30, 2004

Kathryn Huddleston for the protester.

Dennis J. Gallagher, Esq., Department of State, for the agency.

Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that evaluation and source selection decision were flawed is denied where the record shows that the agency's evaluation and source selection decision were reasonable and consistent with evaluation factors.

DECISION

Kathryn Huddleston & Associates, Ltd. (KHA) protests the award of contracts under request for proposals (RFP) No. SFSIAQ-04-R-0019, issued by the Department of State, for the design and delivery of 2-day effective public speaking/executive media courses. KHA primarily objects to the agency's evaluation of its proposal and the agency's source selection decision.

We deny the protest.

The RFP, issued on March 17, 2004, contemplated the award of fixed-price contracts for a base year and four 1-year option periods. The contractors will develop and deliver 2-day workshops on communicating effectively before a live audience, as well as on television and radio for the Foreign Service Institute (FSI) of the Department of State. RFP § C.1. The courses will be offered to Department of State personnel, including ambassador-designates. *Id.* Offerors were required, among other things, to prepare and coach participants for one videotaped oral presentation and for one videotaped mock television interview, and to provide feedback, critique, and discussions during playback. RFP § C.3.2. Offerors were to be experienced media and communications consultants and trainers.

The RFP provided for award of contracts to firms whose proposals the agency determined represented the best values to the government. The RFP contained three technical evaluation factors--(1) the offeror's past performance experience in delivering this type of training; (2) the offeror's qualifications as established by the resumes of the course facilitator/moderator and proposed key instructors/speakers; and (3) the quality, coherence, and appropriateness of the proposed approach or methodology (including course design) to perform the required work. The RFP provided that an offeror must submit course material with its technical proposal for each course type. RFP § M.¹

The agency received 23 proposals by the closing date. A technical evaluation panel (TEP) rated eight proposals as excellent, three proposals as good, eight proposals as fair, two proposals as poor, and two proposals as unsatisfactory. KHA's proposal was rated fair. Agency Report (AR), Tab 4, Technical Evaluation of Proposals. The agency subsequently awarded contracts to the eight offerors whose proposals received an excellent rating. KHA was notified of the awards in a letter dated April 28. KHA filed this protest with our Office on May 4.

KHA principally objects to the agency's evaluation of its proposal and the agency's decision not to award the firm a contract. KHA maintains that it proposed an experienced and highly qualified instructional team. Protest at 2.

The evaluation of technical proposals is a matter within the discretion of the contracting agency since the agency is responsible for defining its needs and the best method of accommodating them. Marine Animal Prods. Int'l, Inc., B-247150.2, July 13, 1992, 92-2 CPD ¶ 16 at 5. In reviewing an agency's evaluation, we will not reevaluate technical proposals, but instead will examine the agency's evaluation only to ensure that it was reasonable and consistent with the solicitation's stated evaluation criteria. MAR, Inc., B-246889, Apr. 14, 1992, 92-1 CPD ¶ 367 at 4. An offeror's mere disagreement with the agency's evaluation does not render the evaluation unreasonable. McDonnell Douglas Corp., B-259694.2, B-259694.3, June 16, 1995, 95-2 CPD ¶ 51 at 18.

The record supports the TEP's rating of KHA's proposal as fair. For example, the TEP found that the protester's approach to media training was weak and that the protester's sample course materials failed to provide for a video practice session as required by the solicitation. The TEP also found that KHA proposed staff whose primary expertise was in business organization and business communication and that these personnel were not experienced in public speaking and media relations as required by the solicitation. Further, the TEP found that the protester's only

¹ Since the solicitation did not indicate the relative weights of technical and price factors, it must be presumed that they were of equal weight. Intermagnetics Gen. Corp., B-286596, Jan. 19, 2001, 2001 CPD ¶ 10 at 8 n.7.

proposed individual with media expertise was an assistant instructor who previously worked as a television staff reporter, but whose experience was largely in the entertainment industry. The TEP also noted that KHA proposed to employ as a consultant a former ambassador who has no identified expertise in public speaking or media relations. AR, Tab 4, Technical Evaluation of Proposals. While KHA disagrees with the agency's evaluation of its proposal, KHA has not demonstrated that the evaluation was unreasonable.

In comparison to KHA's proposal, the agency found, among other things, that the eight awardees whose proposals were rated excellent proposed staff with the required expertise in public speaking and media training. Further, KHA's proposed price was significantly higher than any of the prices of the eight awardees whose proposals were rated excellent. In our view, the agency's decision to award to firms whose proposals were higher technically rated and lower priced than KHA's proposal was reasonable and in accordance with the solicitation.

KHA also argues that this "procurement was characterized by numerous flaws which had a significant impact on any new bidder to this procurement." Protest at 5. For example, KHA argues that the solicitation contained numerous inconsistencies and ambiguities and failed to properly define evaluation criteria. KHA also argues that the agency acquisition team contradicted the statement of work in its answers to offerors. *Id.* These arguments, which essentially concern alleged solicitation improprieties raised after award, are untimely. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2004).

Further, the protester contends that this procurement was conducted in a manner unfair to firms with no previous experience with FSI. Protester's Comments at 1. However, the agency reports that three of the eight awardees had no prior experience with FSI. We find nothing in the record to support KHA's allegation that firms such as KHA, which had no prior experience with FSI, were treated unfairly.

The protest is denied.²

Anthony H. Gamboa
General Counsel

² KHA raises several other issues concerning the conduct of the procurement. Based on our review of the record, we find that these additional protest grounds are without merit and do not warrant detailed analysis or discussion.