



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: ValueCAD

File: B-272936

Date: November 7, 1996

Sal Kadri for the protester.

Alan D. Groesbeck, Esq., Department of Agriculture, for the agency.

C. Douglas McArthur, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency's decision to narrow consideration for award to 6 highest-rated, of 11, proposals and selection of lowest-priced proposal of the 6 was reasonable and consistent with the solicitation criteria, which provided for a price/technical tradeoff, where after the evaluation of best and final offers, evaluators reasonably concluded that the 6 highest-rated proposals were significantly superior to the 5 other proposals in the competitive range.

DECISION

ValueCAD protests the award of a contract to Eagle Mapping Inc. under request for proposals (RFP) No. 51-96-023, issued by the Forest Service for conversion and digitizing services. ValueCAD essentially argues that it was unreasonable for the agency to make award to another offeror given that it offered an acceptable level of competence at a lower price.

We deny the protest.

On May 16, 1996, the agency issued the RFP for a fixed-price requirements contract for conversion and digitizing services to produce digital data for forest resource information and automated cartographic applications. The RFP provided for award based on a price/technical tradeoff to the offeror whose proposal's price/technical relationship was most advantageous to the government, considering past performance, capacity, key personnel, and the offeror's experience, in that order of importance. The RFP stated that under past performance, the agency would consider the offeror's quality control system, the amount of work passed on initial inspection, and turn around time on projects, among other things. Under capacity, the agency would look at the number of employees available for the contract, and the type of equipment and software to be used. The agency also would evaluate the education and experience of key personnel, as well as the company's experience.

The agency received 15 proposals, one of which was rejected immediately because it contained no technical proposal. The agency referred the remaining 14 proposals to an evaluation panel. Upon reviewing the results of the evaluation, the agency eliminated the three lowest-rated proposals from the competitive range, since the prices of those proposals were also higher than those of several other offerors. The agency conducted discussions with the remaining 11 offerors, including ValueCAD. The evaluators had found the protester's proposal acceptable in all areas except capacity, and the agency requested that the protester provide more information on its capacity with its best and final offer (BAFO).

The 11 offerors submitted BAFOs on June 21. After review of BAFOs, the panel considered ValueCAD's proposal acceptable in all areas, although the proposal received a relatively low technical score. The panel concluded that, overall, the six highest-rated proposals were significantly superior to the remaining five, including the protester's proposal. The panel members advised the contracting officer that they found no significant difference in technical quality among those six proposals and recommended selection of the lowest-priced proposal of the six, the Eagle Mapping proposal, as representing the best value to the government.

By letters of July 5, the agency notified the other offerors of its selection of Eagle Mapping. The notice incorrectly stated that price had been the determining factor in the selection of a contractor. ValueCAD, which had submitted the lowest price of any offeror, protested to the agency. The contracting officer advised ValueCAD that the notice of award was incorrect, and that in fact price had become the determinative factor only after the agency concluded, after review of the BAFOs, that the six highest-rated proposals—which did not include ValueCAD's proposal—were technically equal. ValueCAD then filed this protest with our Office challenging the rejection of its proposal.

ValueCAD argues that, in narrowing consideration to the six proposals with the highest technical scores, the agency effectively and improperly eliminated the protester's proposal from the competitive range, even though it still retained a reasonable chance of award. ValueCAD notes that the evaluators found its proposal acceptable and contends that it was improper to select a higher-priced offer over a lower-priced one, such as the protester's, that can provide an acceptable level of competence. Technical scores, the protester argues, are too sensitive to the subjective judgments of evaluators for an agency to ignore lower price simply for a higher technical point total. ValueCAD essentially argues that there was no advantage to the Eagle Mapping proposal to warrant the payment of a higher price.

Initially, we note that the agency now denies that in narrowing its consideration to the six highest-rated proposals, it made a competitive range determination. However, whether one views the agency's actions as narrowing the competitive range, or simply as selecting one offeror, Eagle Mapping, over another, ValueCAD,

our review is chiefly concerned with whether the agency's judgments were reasonable and consistent with the listed evaluation criteria. See Bay Tankers, Inc., 69 Comp. Gen. 403 (1990), 90-1 CPD ¶ 389 (competitive range determination inconsistent with provisions calling for award to low, technically acceptable offeror); Advanced Env'tl. Technology Corp., B-259252, Mar. 20, 1995, 95-1 CPD ¶ 149 (selection of higher-priced offeror consistent with provisions calling for price/technical tradeoff). As explained below, the record here supports the reasonableness of the agency's decision to reject ValueCAD's proposal and select Eagle Mapping's proposal.

The evaluators found that overall the six highest-rated proposals, including Eagle Mapping's, were superior to the remaining five proposals in their detail and completeness, the relevancy of past projects, and the experience of key personnel. Specifically, Eagle Mapping submitted a monthly submission schedule that met the evaluation criteria of 800 sheets per year; past performance information indicated a 99-percent accuracy level for initial submissions, with a 100-percent acceptance level. Eagle provided a complete list of the hardware and software proposed for use, a full description of its work flow and quality assurance procedures, and a sample of the proposed in-house project tracking form for the solicited effort. Key personnel had more than 35 years of experience in forestry and data collection, in both public and private sectors, directly related to the required effort.

By contrast, and despite express solicitation language advising offerors to provide information on their quality control systems as well as records of the amount of work that passed on first inspection, the protester's proposal contained no information on its accuracy levels and no detail on its quality assurance procedures. Although ValueCAD asserted that it had experience in projects involving natural resources, it provided no description of those projects with its written proposal. Rather, the evaluators found that the projects to which ValueCAD's proposal made reference involved city and county infrastructure and tax parcel mapping, by comparison with the forestry experience cited by Eagle Mapping. The sample of work submitted by ValueCAD contained no information as to what the sample represented or for whom the work had been done. Although the evaluators considered the proposal acceptable, they did not consider it equal to most of the other proposals submitted, particularly the 6 top-rated proposals. The protester's BAFO received the second lowest rating among the 11 BAFOs, and we find nothing in the evaluation either unreasonable or inconsistent with the factors listed in the RFP.¹

¹While our Office has acknowledged that, as ValueCAD argues, the usefulness of numerical scores may be limited by their subjective nature, the numerical scoring is here supported by a narrative assessment sufficient to provide a selection official
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An agency determines a competitive range by comparing all of the acceptable proposals in a particular procurement, and may eliminate even an acceptable proposal when, notwithstanding its lower price, it is determined that on a relative basis with respect to higher technically rated proposals it has no reasonable chance of award. Coe-Truman Technologies, Inc., B-257480, Sept. 12, 1994, 94-2 CPD ¶ 136. Moreover, in a negotiated procurement there is no requirement that the government make award to the lowest-priced, technically acceptable offeror unless the RFP specifies that price will be determinative. Hornet Joint Venture, B-258430.2, Jan. 27, 1995, 95-1 CPD ¶ 55. Price/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the established evaluation factors. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325. Here, the RFP specifically provided for such a tradeoff and the evaluators concluded that the six highest-rated proposals presented a significant advantage, particularly in the area of past performance, the most heavily weighted factor in the evaluation. Whether viewed as a competitive range determination, in which ValueCAD's low-rated proposal was not considered competitive with the six higher-rated proposals, or as a selection decision, in which ValueCAD's offer did not exhibit the advantages that the Eagle Mapping offer did, we find the evaluation and selection decision reasonable and consistent with the solicitation.

Because it did not receive the same high score for past performance as did the higher-rated offerors, ValueCAD asserts that the agency should have included its concerns about this area in discussions that were conducted with ValueCAD.

Agencies are required to conduct meaningful discussions with all competitive range offerors, Price Waterhouse, B-254492.2, Feb. 16, 1994, 94-1 CPD ¶ 168, and in order for discussions to be meaningful, agencies must generally point out weaknesses, excesses, or deficiencies in proposals, unless doing so would result in disclosure of one offeror's technical approach to another offeror or technical leveling. See FAR § 15.610; Comarco, Inc., B-258204.6, Oct. 26, 1995, 96-1 CPD ¶ 12; Lone Star Fleischwaren Im-Export GmbH, B-259588.2, May 25, 1995, 95-1 CPD ¶ 263. Agencies are not required to conduct all-encompassing discussions, or to discuss acceptable aspects of a proposal merely because they receive lower than the maximum possible score, John Brown U.S. Servs., Inc., B-258158 *et al.*, Dec. 21, 1994, 95-1 CPD ¶ 35; they need only reasonably lead offerors into areas of their proposals which require amplification or correction. Medland Controls, Inc., B-255204; B-255204.3, Feb. 17, 1994, 94-1 CPD ¶ 260; Price Waterhouse, *supra*.

¹(...continued)

with a clear understanding of the differences and relative merit of proposals. See Ferguson-Williams, Inc., 68 Comp. Gen. 25 (1988), 88-2 CPD ¶ 344.

In its initial proposal, ValueCAD provided information on the types of services, products, and markets in which it had dealt, as well as a general discussion of its work in database development and digital conversion, including specific services performed for its clients. Based on that information, the agency found ValueCAD's proposal acceptable under the factor of past performance. The agency was not required to conduct discussions on this aspect of the protester's proposal simply because others were rated higher.

ValueCAD also argues that the RFP did not advise offerors that the agency would consider experience in the natural resource field in its evaluation of experience; further, the protester asserts that if the agency had contacted the references listed in its proposal, these references could have provided information on ValueCAD's experience in the field of natural resources. The handling of natural resource data was the central purpose of the contemplated effort; accordingly, the extent of an offeror's natural resource experience is a logical matter for evaluators to consider with the experience factor. Matters logically encompassed by the stated evaluation criteria properly may be taken into account in proposal evaluation. Cobra Technologies, Inc., B-272041; B-272041.2, Aug. 20, 1996, 96-2 CPD ¶ 73. As for the references, there is no requirement for an agency to check all references in the proposal, Questech, Inc., B-236028, Nov. 1, 1989, 89-2 CPD ¶ 407. It is the offeror's responsibility to provide appropriate information in its written proposal; an offeror cannot rely on the agency to independently obtain the information on the protester's behalf.

The protest is denied.

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