

*J. Melody*



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Childress & Associates  
**File:** B-248325  
**Date:** June 18, 1992

John W. Childress, III for the protester.  
Frank B. Stilwell, III, Esq., ACTION, for the agency.  
John M. Melody, Esq., and David Ashen, Esq., Office of the  
General Counsel, GAO, participated in the preparation of the  
decision.

### DIGEST

Protest that proposal improperly was eliminated from the competitive range is without merit where record contains evaluation documents showing that proposal was deficient under all evaluation factors, resulting in its being ranked lowest of the 17 proposals received and unacceptable, and protester presents no information or argument establishing that evaluation was unreasonable.

### DECISION

Childress & Associates protests the elimination of its proposal from the competitive range under request for proposals (RFP) No. 92-04, issued by ACTION for an evaluation of the Foster Grandparent Program (FGP).<sup>1</sup> Childress principally challenges the evaluation of its proposal.

We deny the protest.

The RFP contemplated award of a 1-year cost-plus-fixed-fee contract for evaluation of the FGP, including identifying strengths and weaknesses of projects, examining how effectively ACTION has met its FGP goals, and providing other data to ACTION on the FGP. The RFP also listed the specific tasks the contractor was to perform, beginning with "Examine FGP operations and approaches," and culminating with "Prepare a Final Report" and "Conduct Final Briefing(s) with ACTION Staff." Section M of the RFP provided that

<sup>1</sup>The FGP provides opportunities to low-income individuals aged 60 or over to provide supportive person-to-person services (health, education, and welfare) to address problems of children with special needs.

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"[O]fferors shall submit information sufficient to evaluate their proposal," and listed the following four evaluation factors (and their relative weights): procedural plan (40 out of 100 total points), personnel (25), management plan (20), and corporate experience (15). The RFP advised offerors that their proposals were to "include and clearly state approaches and procedures which demonstrate the offeror's ability to perform the specified effort," and that failure to provide the required information could result in rejection of their proposal without further discussion.

Seventeen proposals were received. Following the initial evaluation, a competitive range consisting of the top seven proposals was established based on a natural break point in the scores. Childress' proposal was evaluated as technically unacceptable and was the lowest ranked, receiving an average score of only 22 of 100 available points; the proposal and those of nine other offerors were eliminated from the competitive range. Childress initially protested its elimination from the competition to the General Services Administration Board of Contract Appeals (GSBCA); when that protest was dismissed for lack of jurisdiction, Childress filed this protest with our Office.

Childress generally argues that its proposal was acceptable and was wrongfully excluded from the competition. The competitive range consists of only those proposals which have a reasonable chance of being selected for award. Informatics Gen. Corp., B-210709, June 30, 1983, 83-2 CPD ¶ 47. Proposals which are unacceptable as submitted and would require major revisions to become acceptable properly are excluded from the range. All Star Maintenance, Inc., B-244143, Sept. 26, 1991, 91-2 CPD ¶ 294. The evaluation of technical proposals and the resulting decision as to whether certain proposals are within the competitive range are determinations primarily within the agency's discretion; we will review these determinations only to determine whether they were reasonable and consistent with the RFP's evaluation criteria. Ronnoc, Inc., B-243729, Aug. 19, 1991, 91-2 CPD ¶ 163. A protester's mere disagreement with the evaluation does not establish that it was unreasonable. United HealthServ Inc., B-232640 et al., Jan. 18, 1989, 89-1 CPD ¶ 43.

We find nothing objectionable in the evaluation or ACTION's decision to exclude Childress from the competitive range. The record shows that Childress' proposal was eliminated from the competitive range because fundamental deficiencies throughout its proposal led the agency to conclude that Childress had no reasonable chance for award. In effect, the agency determined that Childress' proposal failed to describe an acceptable approach to accomplishing to required work, failed to include staff with the necessary

qualifications and demonstrated no relevant corporate experience. In the most important procedural plan area, for example, the RFP stated that:

"The procedural plan should describe theoretical and technical approaches that the bidder might use to complete each task outlined in the statement of work. While a general statement of strategy is appropriate, the bidder should describe procedures as specifically as possible for each task. . . . For each task, the bidder will provide information on what it will accomplish, the rationale for each activity, persons responsible or involved in planning and implementation, and a listing of all activities required. . . ."


ACTION concluded that despite this and other calls in the RFP for detailed information, Childress' proposal did not address such significant aspects of the required performance as site selection for initial visits, study design and agenda; did not assess the goals and objectives of the FGP evaluation; included little presentation of data gathering; overused abbreviations, making the overall presentation unclear; and included confusing, poorly presented charts.

Under the management plan factor, the proposal was found to contain deficient charts, poorly organized material and several duplicate pages. As for personnel, Childress' proposed staff was found to lack the specified knowledge (gerontology, volunteerism, and children with special needs) and experience (conducting statistical analysis, interpreting complex data, and managing national research evaluation contracts). Finally, the evaluators found that Childress had demonstrated no corporate experience in the specified areas (statistical analysis, etc.).

We have reviewed all of the evaluator worksheets and the protester's proposal, and find no basis for questioning the evaluators' conclusions, which on their face clearly are based on application of the evaluation factors specified in the RFP. On the contrary, we find that the agency reasonably concluded that Childress had submitted a poorly written proposal that did not demonstrate an acceptable approach to performing the required work, but did demonstrate a lack of qualified personnel and relevant corporate experience. In this regard, we note that in its comments on the agency's report, Childress did not take issue with any of the specific evaluation findings on which the agency based its decision to exclude the firm's proposal from the competitive range. Rather, the protester merely reiterated its original general protest assertions that the

procurement process was "flawed," the contracting officer did not treat all offerors equally, and ACTION is "incompetent" to evaluate proposals. These broad, unsupported assertions, however, are not sufficient to show that the agency's actions were unreasonable. We conclude that Childress' proposal properly was eliminated from the competitive range.

The protest is denied.

  
for James F. Hinchman  
General Counsel