



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Myers Investigative and Security Services, Inc.

File: B-272947.2

Date: September 11, 1996

William F. Myers for the protester.

Capt. Karl W. Kuhn and Col. Michael R. Neds, Department of the Army, for the agency.

Tania L. Calhoun, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that contracting agency improperly relied on an unstated evaluation factor concerning offeror experience is denied where the solicitation clearly put offerors on notice that relevant experience would be evaluated under the past performance evaluation area.

DECISION

Myers Investigative and Security Services, Inc. protests the award of a contract to Omniplex World Services Corporation under request for proposals (RFP) No. DASG60-96-R-0009, issued by the Department of the Army for security services at the U.S. Army Space and Strategic Defense Command in Huntsville, Alabama. Myers argues that the agency improperly evaluated its proposal.

We deny the protest.

The security services to be provided here include the protection and destruction of classified documents, as well as the operation of the government's Electronic Integrated Facility Security System (EIFSS). The EIFSS is an electronic security system—comprised of closed-circuit televisions, electronic card readers, motion detectors, public address systems, and computers—that ties together all aspects of security services to record system events, alert personnel to intrusions and other emergency situations, and authorize badge holders access to different areas of the Command.

Under the solicitation, proposals would be rated either acceptable or unacceptable under the technical and management areas set forth in the solicitation. All proposals rated acceptable would be evaluated under the equally important areas of

past performance and price.¹ The solicitation set forth several specific past performance evaluation factors and advised that:

"The offeror's proposal and available information obtained from other sources will be evaluated to assess the offeror's relevant corporate experience and past performance in providing security services as well as performing tasks comparable to those required by the [statement of work]."

An integrated assessment would be made between past performance and price, and award would be made to the offeror whose proposal was most advantageous to the government.

The agency's proposal evaluation team (PET) determined that the proposals of both Omniplex and Myers were acceptable under the technical and management areas.² Omniplex was rated exceptional under the past performance area and Myers was rated acceptable. The agency believed that Omniplex's past experience in badging, operation of electronic security systems, and protection/destruction of classified materials exceeded the solicitation's requirements. In contrast, Myers met the minimum past performance requirements for security services and visitor control, but lacked experience in badging, electronic security systems, and protection/destruction of classified materials. The PET determined that both offerors' prices (Omniplex, \$2,744,282; Myers, \$2,691,861) were reasonable and that Omniplex's proposal represented the best value to the government based on its past performance rating. The source selection authority concurred and award was made to Omniplex.

In its protest, Myers argued that the technical area's evaluation subfactor with respect to the EIFSS system did not "stress or express experience," and that the agency's downgrading of its proposal for its lack of specific experience amounted to the use of an unstated evaluation factor. In its comments on the agency report, the firm merely stated that it "stood by" its initial protest statements.

Solicitations must identify all significant factors and any significant subfactors that will be considered in awarding the contract, and the evaluation of proposals must be based on the factors set forth in the solicitation. Federal Acquisition Regulation § 15.605(d) (FAC 90-31). The record shows that this evaluation properly was based on the factors set forth in the solicitation.

¹The possible ratings for the past performance factor were exceptional, good, acceptable, marginal, and unacceptable. Price was unrated.

²No other proposals are at issue here.

Myers' proposal was downgraded for its lack of relevant experience not under the technical area, but under the past performance area. With respect to past performance, the solicitation stated that the agency would assess the offerors' "relevant corporate experience and past performance in providing security services as well as performing tasks comparable to those required by the [statement of work]." This language explicitly permits the agency to consider offeror experience in providing security services and performing tasks comparable to those required by the SOW, and we have recognized similar RFP language as permitting this type of evaluation. See PMT Servs., Inc., B-270538.2, Apr. 1, 1996, 96-2 CPD ¶ ___. In addition, in response to a potential offeror's query, amendment No. 0004 stated that "[t]he scope of the past performance evaluation includes the offerors' experience in security services as well as other business activities of a comparable nature to the [statement of work]. Thus, the contractor may expect the government to examine its past performance in general and draw comparisons to the proposed efforts." Given that the statement of work calls for operation of the EIFSS system at the Command, it clearly was reasonable for the agency to consider Myers' lack of experience in this area in evaluating its proposal under the past performance factor; no unstated evaluation factor was utilized in this case.

The protest is denied.

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