



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-178295 (2)

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October 18, 1973

Marpac Consultants, Incorporated  
8 Bell Avenue  
Boverville, New Jersey 08876

Attention: Mr. F. A. Schkeper

Gentlemen:

This is in reply to your letter of March 19, 1973, forwarded here by Congressman Peter H. B. Frelinghuysen, and to your subsequent correspondence, regarding the awarding of a contract to Rosenfeld, Steinman & Blau by the Small Business Administration (SBA) under solicitation No. SBA-406-LA-73-1.

The solicitation was for management and technical assistance to be rendered to individuals or enterprises pursuant to section 406 of the Economic Opportunity Act of 1964 (42 U.S.C. 2906b). Sixteen offers to perform these services in Newark, New Jersey, were received in response to the solicitation, and were evaluated in accordance with the criteria set forth in the solicitation. Your proposal received an evaluation score of 11.7 points out of 100 and was ranked eleventh. The proposal submitted by Rosenfeld, Steinman & Blau received the high score of 56.7 points, and a contract was awarded to that firm.

You question the propriety of the evaluation procedure that resulted in such a low score for your proposal. You also claim that the successful offeror did not maintain an office in Newark, and that the award therefore was contrary to the solicitation provision which stated that offerors "must have an office physically located within the area where work is to be performed."

The solicitation advised offerors that proposals would be evaluated on a point system, with a maximum of 50 points to be awarded for each of the following categories:

"1. Quality, experience and capability of staff offeror intends to assign to this project.

"2. Previous experience and effectiveness in performing services, indicated by prior work and demonstrated by ability to deal effectively with individuals and enterprises eligible to be served."

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The solicitation further advised that awards would be made to firms which "in the judgment of the Small Business Administration, are best qualified--price and all other factors considered."

The record indicates that all proposals were individually evaluated by each member of an evaluation committee consisting of SBA personnel from both SBA's Central Office and its regional offices, and that a composite score was assigned to each proposal based on the individual evaluations. In essence, the score given your proposal reflects the evaluator's belief that the proposal did not demonstrate the kind of staff or prior experience desired for performance of the type of work called for by the solicitation. SBA points out that its award decision did not indicate that your concern was not a "capable" one, but only that other offerors were viewed as "more capable" for the purpose of the instant procurement. We have reviewed the evaluation that was made, and we find no basis in the record before us to conclude that the evaluation was arbitrary or otherwise conducted in bad faith.

With respect to the question of whether Rosenfeld, Steinman & Blau maintains an office in Newark, that firm's proposal indicated an office at 744 Broad Street in that city. You state that you checked with the telephone company, with the owner of the building located at that address, and with others, but were unable to establish the existence of such an office. SBA reports that the firm had maintained an office at that address while performing under the 1972 contract and that SBA's field office "verified the existence of the awardee's branch office in New Jersey prior to establishing the list of eligible offerors." We also understand that the Rosenfeld firm does currently maintain an office at the Newark address and is operating out of it in accordance with the terms of its contract. Accordingly, we can perceive no legal objection to the award made to Rosenfeld, Steinman & Blau.

With respect to your expression of concern regarding a purported reduction in the amount of services to be required under the awarded contract, it appears that SBA's statement regarding this reduction is in error, since the record indicates the award was made on the basis of the original proposed price and for the quantum of services specified in the solicitation.

For the foregoing reasons, your protest is denied.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General  
of the United States