



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: The Fantozzi Company

File: B-265631

Date: December 12, 1995

Mark W. Fantozzi for the protester.

Linda A. Leonard, Esq., United States Coast Guard, for the agency.

Behn Miller, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the contracting agency improperly evaluated the submissions of the protester under a procurement for architect-engineer services is denied where the record shows that the agency's evaluation was reasonable and in accordance with the published evaluation factors.

DECISION

The Fantozzi Company protests the exclusion of its firm from further consideration under solicitation No. DTCG88-95-R-623A78, issued by the United States Coast Guard, Department of Transportation, for inspection and maintenance work on LORAN towers and antennae located in the states of Washington, Montana, California, and Nevada.

We deny the protest.

The tower/antenna inspection and maintenance work which is the subject of this procurement is classified as architect-engineer (A-E) services, and as such, is acquired under the selection procedures set forth in the Brooks Act, 40 U.S.C. §§ 541 *et seq.* (1988), and its implementing regulations, Federal Acquisition Regulation (FAR) subpart 36.6.

In accordance with these regulations, on May 11, 1995, the Coast Guard synopsisized this requirement in the Commerce Business Daily. The synopsis invited interested A-E firms to submit a completed standard form (SF) 254 (A-E and Related Services Questionnaire, *see* FAR § 53.301-254) and an SF 255 (A-E and Related Services for Specific Project Questionnaire, *see* FAR § 53.301-255), which are the standard forms on which interested firms provide and detail their qualifications. The synopsis further provided that each firm would be evaluated under six technical evaluation criteria, which were listed in descending order of importance; of significance to this protest, the two most important criteria were (1) specialized experience in climbing,

inspecting, surveying and analyzing tower systems; and (2) professional qualifications of the firm and proposed staff.

Eight A-E firms, including the protester, responded to the synopsis. After completing its evaluation of each firm's qualifications, the contracting agency selected the three highest-rated firms for further negotiations. The protester received the lowest technical rating.

By letter dated July 14, the Coast Guard notified Fantozzi of its exclusion from the competition; on August 7, after receiving a denial of its agency-level protest, Fantozzi filed this protest at our Office. Fantozzi argues that the exclusion of its firm from this competition was improper because the Coast Guard did not give the protester "fair and equal consideration" and because the agency has failed in its obligation to provide "equitable distribution of work" to other qualified firms.

The record contains no support for Fantozzi's contentions. We have carefully reviewed the SF 254 and SF 255 questionnaires submitted by each firm for this competition; our review shows that the technical evaluators reasonably concluded that Fantozzi's submission failed to demonstrate the specialized tower experience and qualified personnel sought for this requirement. Specifically, although Fantozzi's submission demonstrated that the firm had some design and structural analysis experience related to towers, the submission showed no experience in tower inspection services or tower maintenance. Additionally, Fantozzi's claimed "tower specialists" were not identified as registered professional engineers.

In contrast, the three firms selected for the negotiation short list each demonstrated substantial experience in all aspects of the tower work required under this contract, as well as numerous engineer employees who hold specialized experience in performing the exact services required for this contract.

To the extent Fantozzi contends that the Coast Guard was required to use "equitable distribution of work" as a factor in its selection decision, the protest is without merit. Unless an A-E synopsis expressly provides that equitable distribution is to be an evaluation criterion, contracting agencies are prohibited from considering this factor in their selection decisions. See ABB Envtl. Servs., Inc., B-258258.2, Mar. 3, 1995, 95-1 CPD ¶ 126. In any event, there is absolutely no suggestion in this record that the Coast Guard has improperly overlooked a

qualified firm in its selection process, improperly favored certain firms because they have a "previous history" with the agency, or that these services will not be equitably distributed by means of contract awards to qualified A-E contractors.

The protest is denied.

Comptroller General
of the United States