



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Environmental Training and Consulting International, Inc.

File: B-278185

Date: December 5, 1997

Jeanne C. Crouch for the protester.

Sherry Kinland Kaswell, Esq., and Alton E. Woods, Esq., Department of the Interior, for the agency.

Henry J. Gorczycki, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably determined that a quotation for training services which submitted for evaluation the actual materials to be used for the solicited training represented a better value to the government, all other factors being essentially equal, than a quotation which only submitted materials designed for the training needs of other clients together with a proposal to design the materials to be used to address the agency's needs.

DECISION

Environmental Training and Consulting International, Inc. (ETCI) protests the award of a purchase order to Franklin Covey Co. under request for quotations (RFQ) No. 1435-03-97-RQ-00062, issued by the Department of the Interior, Minerals Management Service (MMS), for in-house training on the implementation of the National Environmental Policy Act (NEPA) and preparation of NEPA documents.

We deny the protest.

MMS conducted this procurement pursuant to the small purchase procedures of Federal Acquisition Regulation, Part 13. The RFQ, issued on August 26, 1997, solicited quotations for instructional materials, a training course, and a trainer, for which award of a purchase order would be made on a best value basis. The stated evaluation factors were price, information submitted, and adherence to the stated specifications.¹ Quoters were to submit information establishing the firm's/trainer's

¹Although the RFQ stated that price was significant, it did not state the relative importance of each of the factors. In such cases, we assume that the evaluation factors are of equal importance. See *Ogden Support Servs., Inc.*, B-270354, Feb. 28, 1996, 96-1 CPD ¶ 175 at 2 n.2.

record of conducting NEPA training sessions, references, and commendations and copies of the material to be used for the training.²

MMS received quotes from ETCI and Franklin Covey. ETCI quoted a totally custom-designed course with an experienced trainer for a price of \$10,000. Franklin Covey quoted its standard, off-the-shelf NEPA training materials with customized supplements, and two experienced trainers for a price of \$10,166.

MMS determined that both quoters proposed quality trainers and approaches to training with little difference in price. The discriminator between the quotes was that ETCI promised custom-made materials that were not available for evaluation (ETCI provided samples of training material prepared for other customers) and that Franklin Covey provided the actual training materials it would use in the course. Given the similarity in quality, experience and price, the agency was more comfortable acquiring a course with existing materials than one for which the materials are yet to be designed. On this basis, Franklin Covey's quotation was selected as the best value to the government. On September 23, the agency issued a purchase order to Franklin Covey. ETCI's protest followed.

ETCI argues that the agency's evaluation was unreasonable because it is based on giving existing course materials more weight than proposed materials, even though the RFQ did not require submission of the actual materials to be used.

When using small purchase procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition, and must evaluate quotations in accordance with the terms of the solicitation. Nunez & Assocs., B-258666, Feb. 10, 1995, 95-1 CPD ¶ 62 at 2. In reviewing protests against an allegedly improper evaluation, we will examine the record to determine whether the agency met this standard and reasonably exercised its discretion. Id.; Northwest Management, Inc., B--277503, October 20, 1997, 97-2 CPD ¶ __ at 4.

Here, the evaluation was consistent with the terms of the RFQ. The RFQ stated that the firm selected to provide the training course would have to deliver appropriate training materials under the purchase order, and that quoters were to submit copies of such information for evaluation purposes. This request put

²The RFQ identified the training materials as follows:

5. Deliverables are to include: (1) appropriate books, instruction manuals, handouts, or other training material. A copy of this information must accompany the contractor's quotation for evaluation purposes.

quoters on notice that the copies of materials submitted with their quotes could be evaluated for the extent to which they represented the actual materials to be delivered.

Moreover, the evaluation was also reasonable. Franklin Covey submitted the actual manuals it will deliver and identified the specific pages in those manuals which address the topics to be covered in the MMS course. Thus, MMS was able to evaluate the quality of the actual course materials in relation to how the material addressed the required NEPA topics. On the other hand, although ETCI's quote promised to address all of the required training topics, it only contained copies of instructional materials designed for other clients. MMS considered these materials to be excellent to the extent that the material addressed other clients' requirements. ETCI's materials, however, did not address all of MMS's required topics, such as environmental impact statements, and thus left some doubt as to whether the materials to be designed and produced by ETCI for MMS would be of the same quality overall as the materials which Franklin Covey had submitted. While ETCI disagrees with the agency's conclusions, we find nothing unreasonable about this determination.

While the protester also complains that experience of the quoters' proposed trainers was not evaluated, the record does not support the allegation. Both quotes proposed trainers with extensive experience in NEPA training. The information provided in each quote concerning the extent of each proposed trainer's experience, and comments from their respective trainees, evidence the high quality of their training skills and provides little, if any, basis to differentiate between the ETCI's trainer and Franklin Covey's.

In sum, we find reasonable MMS's evaluation and conclude that the agency's determination that Franklin Covey's high quality off-the-shelf materials at a price only \$166 higher than ETCI's quote represented a better value than ETCI's proposed, but as of yet undesignated materials, was reasonable.

The protest is denied.

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