



**Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

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**Matter of:** Hunt Building Corporation

**File:** B-276370

**Date:** June 6, 1997

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James J. McCullough, Esq., and Lawrence E. Ruggiero, Esq., Fried, Frank, Harris, Shriver & Jacobson, for the protester.

Denny Watts for Fletcher Pacific Construction Company, Ltd., an intervenor.

Vicki E. O'Keefe, Esq., Department of the Navy, for the agency.

Scott H. Riback, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## **DIGEST**

Protest allegation that agency improperly assigned identical adjectival ratings to protester's and awardee's proposals is denied where record shows that materials prepared by agency's technical evaluators adequately documented different features offered by each firm and conveyed to the source selection official the comparative merits of the proposals.

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## **DECISION**

Hunt Building Corporation protests the award of a contract to Fletcher Pacific Construction Company, Ltd. under request for proposals (RFP) No. N62742-95-R-1360, issued by the Department of the Navy for the design and construction of military housing units at the Marine Corps Base at Kaneohe Bay, Hawaii. Hunt maintains that the Navy misevaluated its and Fletcher's technical proposals.

We deny the protest.

The RFP contemplated the award of a fixed-price contract and advised that the agency would make award to the firm submitting the proposal deemed most advantageous to the government considering numerous technical evaluation factors and price, with technical considerations deemed more important than price. The four technical criteria, listed in descending order of importance, were building/site design and site engineering, added quality of building and site design, offeror's qualifications and ability to perform, and offeror's subcontracting program/plan. Proposals were to receive an adjectival rating of highly acceptable, acceptable, marginal, or unacceptable under each criterion.

The Navy received several proposals and, after an initial evaluation, established a competitive range of three proposals, including Hunt's and Fletcher's. The agency then engaged in discussions and solicited two rounds of best and final offers (BAFO) from the competitive range offerors. After evaluating BAFOs, the agency made award to Fletcher, whose proposal was the highest technically rated and lowest priced.

## TECHNICAL EVALUATION

### Added Quality/Site Design

Under the added quality/site design criterion, proposals were rated for offering seven "desirable," but not mandatory, features listed in the RFP in descending order of importance.<sup>1</sup> Both Hunt's and Fletcher's proposals were rated highly acceptable, although the record shows that Hunt offered all seven of the features, and Fletcher only six.<sup>2</sup> Hunt maintains that its proposal should have received a higher rating because it offered more features.

The evaluation in this area was reasonable. The RFP provided that the highly acceptable rating would be assigned where the agency determined that a proposal was "[o]utstanding in essential respects . . . [and] exceed[ed] the desired quality, added quality, and performance in the solicitation and the excess is beneficial to the Navy." In contrast, the acceptable rating was to be assigned where a proposal ". . . [met] all of the requirements specified in the RFP. . . [but] contain[ed] few, if any exceptional features, innovations, analyses or originality." The record shows that Fletcher's proposal was rated highly acceptable because it satisfied the RFP definition for that adjectival rating--it was "outstanding" for offering six of the seven features, including those listed as most important, and this excess quality was "beneficial" to the agency. This conclusion clearly was consistent with the RFP, and

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<sup>1</sup>Offerors could propose the following features: duplex units; a variation in ceiling heights in living, dining and family rooms; exterior walls constructed of particular materials with an exterior finish that was uniform for both the first and second floors; metal or aluminum standing seam, or clay, or concrete tile roofing; acrylic kitchen counter tops; fabric vertical blinds; and building materials and equipment that exceeded the RFP's requirements for durability, maintainability and warranty terms.

<sup>2</sup>Although there is some dispute regarding the number of items offered by Fletcher, our review shows that Fletcher's proposal included six of the seven: duplex units; variation in ceiling height; acrylic kitchen countertops; fabric vertical blinds; the material and equipment proposed exceeds the RFP's requirements; and a uniform finish for first and second floor exterior walls that will be constructed of the materials specified in the RFP.

also with the agency's overall evaluation approach under this criterion. In this regard, the record shows that proposals offering at least the three features deemed most important (duplex units, variation in ceiling height and exterior walls constructed of particular materials with a uniform finish) were rated highly acceptable, while acceptable ratings were assigned proposals offering only two or fewer of the features.

In any case, Hunt's argument overstates the importance of the adjectival ratings in relation to the source selection process. While point or adjectival ratings may be useful as guides to intelligent decision-making, they are not binding on the source selection official, who has discretion to determine the weight to accord such scores in making an award decision. Porter/Novelli, B-258831, Feb. 21, 1995, 95-1 CPD ¶ 101 at 4-5. Of concern to our Office is whether the record as a whole supports the reasonableness of the evaluation results and source selection decision. PCL/Am. Bridge, B-254511.2, Feb. 24, 1994, 94-1 CPD ¶ 142 at 5-6. The evaluation record here shows that Hunt was credited with offering all seven desirable features, and that the source selection official was aware of this during his award deliberations. The source selection official ultimately concluded that Fletcher's proposal offered the better overall value because of its relative superiority under the more important building/site design and site engineering criterion. (The agency's source selection decision is discussed more fully below.) We conclude that there is no basis to question the evaluation in this area.<sup>3</sup>

#### Offeror Qualifications/Ability to Perform

Hunt maintains that its proposal should have been rated higher than Fletcher's under the offeror qualifications/ability to perform criterion--both were rated highly acceptable--because it has completed more military housing design/build projects in Hawaii than Fletcher and its proposed team members possess experience superior to that of Fletcher's proposed personnel.

The evaluation in this area was reasonable. The RFP provided that the agency would consider three elements in evaluating proposals under this criterion: experience in the construction and/or design of similar projects, performance on

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<sup>3</sup>Hunt maintains that its proposal improperly was not credited with offering fabric window blinds and higher quality building materials and equipment. However, the evaluators' score sheets show that they did credit Hunt with these features. In any case, since (1) Hunt's proposal was assigned the highest adjectival rating available under this criterion, (2) the two features in issue were the least important of the seven desirable features, and (3) the source selection ultimately turned on Fletcher's superiority under a more important criterion, there is no reason to believe that the evaluation of these two features would have affected the award decision.

recently completed projects within the past 5 years, and the qualifications of the project team members. Contrary to Hunt's allegation, the record shows that, while Hunt's experience arguably is more extensive than Fletcher's, the agency reasonably rated both firms' proposals highly acceptable. In this regard, both offerors had performed numerous housing construction projects--Hunt has been involved in 37 design/build military housing projects since 1991, while Fletcher has been involved in 20 housing construction projects. Although Fletcher's listed experience in housing construction did not include design/build projects, the RFP called for listing both design/build and other construction efforts, and Fletcher's proposal did include 13 design/build projects for other types of structures. Both proposals also included performance information relating to a similar number of government construction projects; that information showed that both firms' performance has received highly favorable reviews. Finally, the record shows that the two firms' proposed project teams have similarly qualified personnel, and that Fletcher's proposed team has extensive experience in design/build military housing projects. (For example, Fletcher's project coordinator listed some 20 military housing projects, its project manager was involved in 3 military housing design/build projects, and its proposed project superintendent was the same individual proposed by Hunt.)

As we concluded with regard to the added quality/site design criterion, the evaluation in this area was conducted in accordance with the scheme set forth in the RFP. Proposals such as Hunt's and Fletcher's which were found to achieve a certain level of quality under this criterion were assigned highly acceptable ratings. Thus, even though, for example, Hunt had performed a greater number of design/build military housing projects, Fletcher's level of experience also was deemed adequate to achieve a rating of highly acceptable and, to the extent that there were differences between the two firms' experience in terms of the overall number of projects completed, those differences were conveyed to the source selection official in the evaluators' narrative materials. There is nothing in the record to suggest--and Hunt has advanced no reason showing--that Fletcher's proposal should not have been viewed as highly acceptable given the nature and extent of its prior experience. The source selection official was fully aware of the differences in the firms' proposals under this criterion and essentially concluded that any relative advantage Hunt may have had in this area had little or no value. Hunt does not take issue with the accuracy or inclusiveness of the information provided to the source selection official. We conclude that there is no basis to question the evaluation in this area.

#### SOURCE SELECTION DECISION

Hunt objects to the agency's source selection primarily because of its view that the agency's evaluation failed to take cognizance of the allegedly superior aspects of its proposal in the areas discussed above. In light of what it views as the advantages of its proposal, Hunt argues that it was unreasonable for the agency to conclude

that the Fletcher proposal was superior overall. The protester maintains as well that the record contains no finding that the agency in fact preferred the Fletcher proposal over its offer.

Source selection officials enjoy broad discretion in determining the manner and extent to which they will make use of the cost and technical evaluation results; in exercising this discretion, they are subject only to the test of rationality and consistency with the RFP's stated evaluation and award criteria. Juarez & Assocs., Inc., B-265950.2, Feb. 8, 1996, 96-1 CPD ¶ 152 at 3-4.

The source selection decision was reasonable. As discussed above, Hunt's arguments provide no basis for questioning the evaluation; both proposals were properly rated highly acceptable under the criteria in question, and the source selection official was presented with detailed information regarding the proposals' merits. The evaluators preferred Fletcher's technical proposal notwithstanding any arguable advantages of the Hunt proposal under the criteria in question because of Fletcher's higher rating under the most important building/site design and site engineering criterion. The source selection official concurred in the evaluators' conclusion, stating in the source selection document that:

"[DELETED]."

The source selection document goes on to outline some of the other design features offered by Fletcher that, ultimately, were preferred by the agency including, for example, its greater variety of floorplans, the fact that the kitchen was hidden from the line of sight upon entry to the houses, the superior configuration of the family area that allowed good furniture placement, and the fact that the family area was separate from the living/dining room area. Hunt has not established that the agency's preference for Fletcher's proposal on this basis was unreasonable. Given the relative importance of the evaluation criteria, the agency's properly documented evaluation conclusions, and Fletcher's overall lower price, there is no basis to object to the award decision.

The protest is denied.

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