



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

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Matter of: Good Food Service, Inc.

File: B-277145

Date: September 2, 1997

John E. Gagliano, Esq., Cohen, Gettings, Dunham & Davis, for the protester.
Johnathan M. Bailey, Esq., Theodore M. Bailey, P.C., for Selrico Services, Inc., an intervenor.

John Lariccia, Esq., Department of the Air Force, for the agency.

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

DIGEST

Protest that agency improperly found proposal technically unacceptable is denied where record shows proposal contained numerous and extensive informational deficiencies; agencies are under no obligation to seek clarification during discussions where proposal is so deficient that it would have to be significantly rewritten to be found technically acceptable.

DECISION

Good Food Service, Inc. protests the elimination of its proposal from further consideration, due to informational deficiencies, under request for proposals (RFP) No. FA4416-96-R-0103, issued by the Department of the Air Force for full food service at Fort Meade, Maryland.

We deny the protest.

The RFP called for fixed-price offers to provide food services for a base year and three 1-year options at Fort Meade. The RFP required firms to submit detailed technical proposals including information relating to the offeror's quality control procedures, corporate experience, organizational and personnel resources, and past performance. Firms were advised that the agency would perform a technical evaluation (using several equally-weighted evaluation criteria), a performance risk assessment, and a price evaluation to determine which offer represented the best overall value to the government.

Good Food submitted a timely proposal in response to the RFP. After performing the initial technical evaluation, the Air Force eliminated Good Food's proposal from

further consideration based primarily on its conclusion that the firm's offer contained such significant informational deficiencies that it would require a major rewrite to be considered technically acceptable.

Good Food maintains that the deficiencies cited by the agency in fact were minor in nature and that the agency should have provided it an opportunity to correct them.¹

An offeror must submit an initial proposal that is adequately written and affirmatively states its merits, or it runs the risk of having its proposal rejected as technically unacceptable; offers that are properly determined unacceptable need not be included in the competitive range for discussion purposes. Orbit Advanced Techs., Inc., B-271293, May 24, 1996, 96-1 CPD ¶ 254 at 4. Agencies properly may reject an offer where informational deficiencies are so numerous that their correction would essentially require a major rewriting of the proposal. See Chant Eng'g Co., Inc., B-257125.2, Dec. 19, 1994, 94-2 CPD ¶ 247 at 4. In considering whether a proposal was properly rejected for informational deficiencies, we examine the record to determine, among other things, whether the RFP called for detailed information and the nature of the informational deficiencies. Id. at 3 n.1.

Offerors were required to provide detailed information under several evaluation criteria. Under the organizational and personnel requirements evaluation criterion--the principal criterion under which Good Food's proposal was found technically unacceptable--firms were required to submit: (1) a "portfolio" of the company including an organizational chart reflecting the names and titles of personnel that would fill key positions during contract performance; (2) information relating to the organizational function of each supervisor position; (3) information relating to the scope of authority and role of the contract manager and his or her alternate; (4) resumes for the proposed contract manager, assistant manager and supervisors that, at a minimum gave the name of each proposed key employee and showed that each had at least 5 years of pertinent experience; (5) evidence of the firm's ability to acquire necessary qualified personnel; and (6) information relating to proposed staffing.

¹Good Food, the incumbent for this requirement, initially argued that the Air Force improperly failed to extend its contract. Good Food did not further discuss this contention in its comments responding to the agency's administrative report, and we therefore deem the issue abandoned. International Management and Communications Corp., B-272456, Oct. 23, 1996, 96-2 CPD ¶ 156 at 2-3 n.2. In any case, an agency's decision whether to extend an existing contract is a matter of contract administration beyond our bid protest jurisdiction. 4 C.F.R. § 21.5(a) (1997).

Good Food's proposal failed to include significant portions of the required information. First, it did not include the required organizational tables reflecting the names and positions of the proposed staff for the contract; rather, the proposal included only two generic organizational tables that did not include the names of any proposed employees. The staffing charts submitted also did not include the necessary personnel to perform the contract, for example, the required supervisors.

Second, the proposal did not include resumes meeting the RFP requirements. Of the 10 resumes included in the proposal, 7 did not have names on them, and the 3 bearing names were for lower-level employees such as shift supervisors and the office manager. Additionally, of the resumes included, four affirmatively indicated that the individual in question currently was employed elsewhere, and an additional four were unclear regarding employment status (for example, the resume of the unnamed proposed assistant manager does not reflect employment information beyond 1992). The proposal also did not include any key employee letters of commitment, or other similar documentation, in response to the RFP requirement for "evidence of their ability to acquire necessary qualified personnel to satisfy the contract performance requirements." Good Food's proposal also stated that Macon D. Harris was the firm's current administrative vice president, despite the fact that the firm sent the Air Force a letter dated December 6, 1996, stating that this individual no longer was associated with Good Food. In a similar vein, the proposal provided a brief description of the "responsibilities and authority" of four key employee positions, but included resumes for only one.²

The information at issue was necessary for evaluating the relative merits of the proposals in terms of staffing and key personnel qualifications, matters that are central to performance of a service contract. In light of this consideration and the RFP's requirement for detailed information, the agency reasonably found Good Food's proposal deficient. Further, we do not agree with Good Food that the deficiencies were minor. Rather, we think the Air Force had a reasonable basis to find that the omissions were extensive, indicated a lack of understanding of the requirement, and were sufficiently significant that their correction would constitute a substantial rewrite of the proposal. Under these circumstances, the agency properly rejected Good Food's proposal rather than provide the firm an opportunity to correct the deficiencies. Chant Eng'g Co., Inc., *supra*, at 4.

²In numerous instances, the proposal also discussed activities and responsibilities clearly unrelated to the requirement. For example, the proposal referred to use of the "university property administration" methods; maintaining the "proven procedures and practices of the state"; and Good Food's assumption of "the responsibilities for the Chesterfield County Jail." The proposal also included several certificates allegedly showing the qualifications of various personnel, but with no names on the certificates, and one Air Force award that does not bear the name of Good Food or any other firm.

Good Food maintains that one of the evaluators was biased against it, as shown by the fact that the individual in question scored its proposal lower than the other evaluators. Government officials are presumed to act in good faith and we will not attribute unfair or prejudicial motives to procurement officials on the basis of inference or supposition. Rockwell Int'l Corp., B-261953.2; B-261953.6, Nov. 22, 1995, 96-1 CPD ¶ 34 at 9 n.10. The mere fact that an evaluator scored the proposal lower than other evaluators does not constitute irrefutable evidence of an intent to injure the protester, as is required to establish agency bias. Science & Tech., Inc.; Madison Servs., Inc., B-272748 et al., Oct. 25, 1996, 97-1 CPD ¶ 121 at 6.³

The protest is denied.

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³In fact, the record tends to support the opposite conclusion. During the acquisition, Good Food alleged that another individual appointed to the technical evaluation panel was biased against it. The agency, while disagreeing with the protester, nonetheless removed the individual from the panel prior to the evaluation of proposals, stating that it was taking this action out of an abundance of caution.