



FILE: B-185972

DATE: July 13, 1976

MATTER OF: Engineering Consultants & Publications

61124
97940

DIGEST:

Determination of technical acceptability of proposals is within discretion of procuring agency which will not be disturbed absent clear showing that determination was unreasonable. Record in this case is devoid of any evidence which would lead to conclusion that technical evaluations were without reasonable basis.

Engineering Consultants & Publications (ECP) has protested against the award of a contract to the CDI Corporation (CDI) under request for proposals (RFP) N00189-75-R-0190 issued by the Naval Supply Center (NSC), Norfolk, Virginia.

Nine firms submitted technical proposals on June 12, 1975. The proposals were forwarded on June 18, 1975, to the Norfolk Naval Shipyard (NNSY) for evaluation. The technical evaluation, completed September 5, was returned on September 8, 1975, for reevaluation in accordance with the rating plan. On September 16, 1975, the results of the new evaluation disclosed that three firms were found to have submitted technically acceptable proposals. The other six proposals were determined to be technically unacceptable. The scores of the nine offerors were as follows:

Technically Unacceptable

	<u>Average Score</u>
PRC Technical Applications, Inc.	14
Unidyne Corporation	15
ECP	15
Stanwick Corporation	22
Scientific Management Associates, Inc.	26
Mr. Rosenblatt & Sons, Inc.	27

Technically Acceptable

	<u>Average Score</u>
CDI	31
Litton Industries	33
J. J. Henry Company, Inc.	38

The evaluation team did not consider any of the technically unacceptable proposals capable of being made acceptable.

Nevertheless, on October 20, 1975, SMA, Stanwick, and Rosenblatt were afforded the opportunity to submit additional information by November 3, 1975, clarifying or supplementing their original proposals to make them acceptable. The other three offerors whose technical proposals were unacceptable (Unidyne, PRC, and ECP) were advised that further negotiations were not contemplated with their respective companies. On October 22, ECP protested to the Navy about the evaluation procedures on the RFP.

Based on the additional information submitted by Rosenblatt, the evaluation team found its proposal to be acceptable with a score of 34. Stanwick with a score of 24 and SMA with a score of 28 were still unacceptable from a technical standpoint. Another round of negotiations was held with the five offerors whose proposals were rated technically unacceptable to provide another opportunity to submit information to clarify or supplement their original proposals by December 22, 1975. The companies were orally advised on December 5, 1975, of the specific areas in which their proposals were deficient. All five offerors submitted additional information, but the proposals were still determined to be unacceptable.

Best and final offers were requested from J. J. Henry, Rosenblatt, Litton, and CDI by February 2, 1976. CDI was awarded the contract on February 6, 1976. On February 13, 1976, ECP was sent a letter advising of the award and the reasons why its proposal

was not technically acceptable and not considered within the competitive range. ECP protested the evaluation process to this Office on February 26, 1976.

The determination of whether a proposal is technically acceptable and within the competitive range is a matter of administrative discretion which will not be disturbed absent a clear showing that the determination was unreasonable. 52 Comp. Gen. 718, 724 (1973). From the record before this Office, we cannot conclude that there was an abuse of such discretion by the Navy.

All proposals were independently evaluated by each member of a three-man panel in accordance with the evaluation criteria set forth in the RFP. The RFP stated that proposals should demonstrate experience and qualifications in four areas: a) Company Experience, b) Quality and Number of Personnel, c) Response Time, and d) Quality Assurance. The four evaluation factors were of equal importance and weight. Additionally, to be eligible for award, a rating of acceptable must have been achieved on all four evaluation factors. Finally, the acceptable offeror submitting the lowest total price would be awarded the contract.

Ten points were assigned to each evaluation factor for a possible total of 40 points. Each factor was subdivided into five levels of competence with weights of 10, 8, 5, 2, 0. EPC scored an average of 15 points on all technical evaluations. For the reasons stated above, we do not find any irregularities or deficiencies in the evaluation.

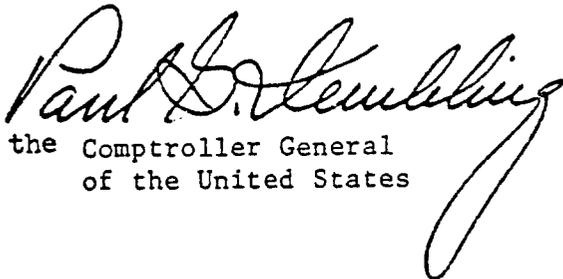
In regard to the alleged disparity of assigned scores, we have held that it is not our function to evaluate proposals and that we will not substitute our judgment for that of the cognizant contracting officials by making an independent judgment as to the precise numerical scores which should have been assigned each proposal. PRC Computer Center, Inc. et al., 55 Comp. Gen. 60 (1975), 75-2 CPD 35.

Additionally, ECP seems to contend that, notwithstanding the alleged technical deficiencies in its proposal, its low cost proposal

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of \$374,265.52 (CDI \$399,745) justified its inclusion in the competitive range. However, where, as here, a proposal has been found to be so technically inferior that meaningful negotiations are precluded, it may be eliminated from the competitive range without regard to its low cost. 52 Comp. Gen. 382, 388 (1972).

Accordingly, the protest is denied.


for the Comptroller General
of the United States