

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

60378

FILE: B-184340

DATE: January 12, 1976

MATTER OF: Telcom Incorporated

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**DIGEST:**

1. Although RFP for administrative data communications network could have been clearer on noncommunications components of system, it was not misleading and rejection of offer as unacceptable for failing to adequately address noncommunication aspects does not appear to have been abuse of discretion.
2. Fact that offer was low is of no significance, since it was determined to be technically unacceptable.
3. Matter of related corporate experience of offeror does not materially bear on award to offeror, since offerors ranking would have remained unchanged regardless of score for that evaluation factor.

Telcom Incorporated (Telcom) has protested the award of a contract to Richard L. Deal and Associates (Deal) under request for proposals (RFP) LGR-5-0309 issued by the Federal Aviation Administration (FAA), Department of Transportation.

Of the five companies responding to the RFP, four were rated technically acceptable. Telcom's proposal was determined to be technically unacceptable after analysis of its proposal in relation to the evaluation criteria set forth in the RFP.

The technical evaluation scores and the prices proposed by the offerors were as follows:

	<u>Scores</u>	<u>Prices</u>
Information and Communications Applications, Inc.	90.01	\$149,414
Richard L. Deal and Associates	82.00	93,905
Control Data Corporation	71.92	177,864
Arthur Young and Company	71.41	112,357
Telcom Incorporated	39.80	77,384

Telcom presents, basically, two bases for protest: (1) Telcom should have been determined to be a technically acceptable bidder, and (2) Deal should not have been considered for award because the company does not have as much corporate experience as Telcom.

With regard to technical evaluations, it has been the position of this Office that such matters are within the discretion of the procuring agency in the absence of clear evidence that the agency acted arbitrarily. Donald N. Humphries & Associates; et al., B-183292, November 4, 1975, 55 Comp. Gen. \_\_\_\_\_. The proposals were evaluated independently by each member of a three man panel. Telcom's proposal was considered unacceptable because its "technical dissertation" was directed at a communications oriented system. The proposal was based on the premise that the data communication study, design, and planning effort applicable to an Administrative Data Communications Network (ADCN), under the RFP in question, involved considerable duplication of work which Telcom had previously performed for a National Airspace Data Interchange Network (NADIN).

The FAA states that Telcom's premise that the two systems are similar is incorrect. Simply stated, the distinction made by the FAA is that NADIN is a communications message switching system while ADCN is a management information system supporting intelligent terminals.

The RFP is slanted toward communications so Telcom's response is understandable. However, the RFP also contains an explicit requirement for a significant component of the system whose main purpose is not communications, but the handling of data in support of functions such as accounting, payroll, personnel, requisitioning and others.

These type functions are also referred to by some under the term management information system. In this area the contractor would be expected to demonstrate an understanding of problems such as: original data input from large numbers of different transactions at different locations; structuring the files and developing procedures for file updating; correlation and evaluation of data within and between files; and terminal oriented query techniques which would enhance the performance of many different individuals using the processed information in their work. For example, correlating payroll information with accounting and personnel information can be accomplished efficiently by technical procedures known as data management or data base management. The technical principles in this type work are similar to those

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used in communications functions but there is sufficient difference in the detailed application of these principles to make the distinction between the functions a critically important one. Although the RFP could have been clearer on these noncommunications components of the system, it was not misleading. Accordingly, the rejection of the Telcom offer as unacceptable for failing to adequately address the noncommunications aspects of the system does not appear to have been an abuse of discretion by FAA.

The fact that Telcom was the low offeror is of no significance, since its proposal was determined to be technically unacceptable, PRC Computer Center, Inc., et al., 55 Comp. Gen. 60 (1975), 75-2 CPD 35.

Regarding the protest relating to Deal's alleged lack of experience, the record indicates that out of 100 points for the overall evaluation of proposals 10 points were set aside for related corporate experience. Deal was awarded 6.67 points out of the possible 10 points. If Deal's score was reduced by the 6.67 points, so as to eliminate any benefit for experience, Deal would have a score of 75.33 which would not be a significant change in its standing, since lower scores received by two other offerors were considered to be acceptable. Therefore, the matter of related corporate experience does not materially bear on the award..

Accordingly, the protest is denied.

  
Deputy Comptroller General  
of the United States