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**DECISION**



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

**FILE:** B-194277 **DATE:** September 14, 1979

**MATTER OF:** Datapoint Corporation *CNG01115*

*[Protest Alleging Agency Mistakes in Proposal Evaluation]*  
**DIGEST:**

1. Although errors were committed in initial evaluation of proposals, the fact that rescoring of proposals has not altered relative position of offerors requires denial of protest.
2. GAO will not review agency's evaluation of all technically qualified "bids", as requested by protester, where protester makes no specific allegation of error and no evidence is presented to suggest further review of agency's evaluation is necessary.

Datapoint Corporation (Datapoint) has protested any award of a contract by the General Services Administration (GSA) under request for proposals (RFP) No. 3FP-C9-N-B-B0200 for clustered data entry terminal systems. The contract has been awarded to Four-Phase Systems, Inc. (Four-Phase). For the reasons that follow, *AGC00017* *JLG00132* we find no basis to object to the award.

As the basis of its protest, Datapoint alleges that GSA made three mistakes in the evaluation of its proposal which may have affected Datapoint's standing in the selection process.

The solicitation contemplated use of the system being procured for the systems life of 62 months, although a shorter initial contract lease term was specified with an option to extend. The Government also was to have the option to purchase the rented equipment at any time following acceptance and was to be allowed purchase option credits as offered by the contractor.

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Datapoint alleges that GSA incorrectly evaluated its lease with option to purchase offer on the basis of a maximum purchase option credit of 55 percent of lease payments in month 16, the month selected by GSA as the optimum month for conversion to purchase. The protester argues that under its proposal there was no limitation to the purchase credit for conversion at month 16 and that the error had a prejudicial effect on the evaluation of its lease/purchase plan. Datapoint also refers to errors in the evaluation of its offered prompt payment discount and of the cost of power consumption.

The record shows that Datapoint was not prejudiced by the evaluation. Although during the initial computerized evaluation GSA erroneously selected the 16th month as the optimum month for conversion, a subsequent evaluation indicated that minimal system cost would occur if the Datapoint system were purchased in month 1. Consequently, GSA states, a maximum purchase credit for month 16 was not considered in the protester's final evaluated cost. GSA explains that the error in ascertaining the most advantageous conversion month stemmed from its improperly considering power costs to be a nonrecurring charge and failing to give proper consideration to a prompt payment discount. We believe that corrections to the prompt payment discount and utility costs could reasonably affect what month minimal system conversion costs would occur and in the absence of any specific allegation to the contrary, we find no basis to question the propriety of GSA's conclusion that month 1 was the optimum month for conversion of Datapoint's system.

With regard to the error in applying the prompt payment discount, the record shows that GSA detected this error when it manually verified the computerized evaluation and that, upon correction, Datapoint's standing in the selection process was not affected. Datapoint has had an opportunity to examine the revised evaluation and has not demonstrated any error in the corrected application of the prompt payment discount factor.

Datapoint's final contention is that power consumption cost was not considered in the evaluation

process, as required by the RFP. GSA points out that it was aware of this fact prior to the award of the contract to Four-Phase, but determined that a re-computation of the final evaluation would not result in displacement of the awardee.

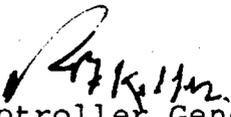
In this connection, GSA states that it did not have sufficient power consumption cost data for all offerors and was not in a position to compare these costs. However, Four-Phase's proposal was the only proposal containing complete and verifiable information on power consumption costs, and the contracting officer calculated its evaluated costs both with and without power consumption costs included. GSA concluded that Four-Phase's cost proposal, including power consumption costs, remained low, even when compared to the other proposals which excluded energy costs.

We have reviewed in camera the final evaluated prices and we agree with GSA that there is no realistic possibility that the omission of power costs from the evaluated costs of the proposals had an effect on the relative position of the offerors. Four-Phase retained its position as low offeror, even after its power consumption costs were considered and compared with other proposals without such costs.

We note that Datapoint recommends that a qualified computer specialist be assigned to evaluate all technically qualified "bids" to assure the propriety of the evaluation process. It is not the function of our Office to evaluate proposals. A procuring agency's determination will be questioned only upon a clear showing of unreasonableness, abuse of discretion, or violation of procurement statutes and regulations. American Appraisal Associates, Inc., B-191421, September 13, 1978, 78-2 CPD 197. From the record presented, we have no reason to believe that there are any other problems in the evaluation of the proposals. Each offeror has fully examined its evaluation, and there has been no question as to the validity of the net evaluated costs. In addition, we have been informed by the GSA that Four-Phase's proposal and evaluation is obtainable by interested parties. Since the protester has not pointed to any specific problems with the evaluation of Four-Phase's proposal, there is no evidence to suggest that a further review of the evaluation technique is necessary.

In conclusion, we find no basis to question the propriety of the award to Four-Phase. Although there were errors committed in the initial evaluation of the proposals, the fact that the rescoring of the proposals has not altered the relative position of the offerors requires the denial of the protest. E. I. du Pont de Nemours & Company; Ionics, Incorporated; Dow Chemical Company - Permutit Company, Inc., B-190611, September 22, 1978, 78-2 CPD 218.

The protest is denied.

  
Deputy Comptroller General  
of the United States