

**DECISION**



12372 PL-11  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-194703.2; B-194703.3      DATE: December 20, 1979

MATTER OF: Marketing Information Service; Associate  
Control, Research and Analysis, Inc.      D 3522  
C 1690

**DIGEST:**

1. Where offerors are made aware of broad scheme of scoring and relative importance of evaluation factors in solicitation, specific numerical weights need not be disclosed. Here, relative importance of evaluation criteria announced in RFP was inaccurate. However, protester has not shown nor can GAO perceive what effect, if any, advanced knowledge of correct criteria weights would have had on proposal. Therefore, GAO cannot conclude protester was prejudiced.
2. Use of evaluation subcriterion not specified in solicitation is proper where it is sufficiently related to or encompassed by criterion which is set forth in solicitation.
3. Technically unacceptable offers need not be included in competitive range despite their lower proposed costs since lower cost cannot convert offer which is unacceptable technically to one that is acceptable.
4. Technical evaluation of proposal will not be disturbed where record indicates that agency conducted fair and reasonable review consistent with stated evaluation criteria in all but one minor area and that minor evaluation error did not competitively prejudice offeror.

[Contract Award Protest]

~~808138~~

111150

Marketing Information Service (Marketing) and Associate Control, Research and Analysis, Inc. (Associate) protest the contract award to Chilton Research Services for a study of the impact of eliminating the purchase requirement in the food stamp program. The Request for Proposal (RFP) No. 53-3198-9-24 was issued for the study by the Department of Agriculture's Food and Nutrition Service. DL600276  
513

Both protesters allege errors in the solicitation and evaluation process. However, for the reasons discussed below and with the exception of minor nonprejudicial errors, we find these allegations to be without merit.

The agency reports that its technical evaluation committee viewed Marketing and Associate, ranked ninth and twelfth, respectively, among the 15 firms submitting proposals, as technically unacceptable. Marketing obtained a score of 73 and Associate scored 62 out of a possible 180 technical evaluation points. Based on the technical evaluation, the agency determined that only 2 firms, Chilton and Mathematica Policy Research, Inc., were in the competitive range for further negotiations. Each firm received 161 points in the technical evaluation. Negotiations concluded in the award of a cost-plus-fixed-fee type contract to Chilton at an estimated total amount of \$628,773. 3532

Initially, Associate alleges that the RFP failed to disclose the formal numerical weighting scheme for the evaluation criteria. Generally, specific numerical weights need not be disclosed in a solicitation where offerors are made aware of the broad scheme of scoring and the relative importance of the evaluation factors. A statement of the relative importance of the evaluation factors is sufficient information to enable a prospective offeror to prepare a proposal properly. 50 Comp. Gen. 59 (1970). In the present case, the RFP did inform offerors that the three evaluation criteria were listed in the order of their relative importance, implying that different weights would be given. However, on review of the record, we find that the three criteria were actually given equal weight (60 points each) when the agency's technical committee evaluated and scored the proposals. As such the RFP's information was not entirely accurate.

Although the agency should have structured the RFP to advise offerors of the equality of the criteria we cannot conclude from a review of the record that Associate was prejudiced by the lack of advanced knowledge of specific numerical weights or of the correct relative weights of the criteria. Moreover, there is no evidence that Associate's knowledge of the correct criteria weights would have changed or improved the content of its technical proposal. Indeed, a breakdown of the points awarded by criterion indicates that Associate received its lowest individual criterion score (approximately 20 percent of its total points) for the criterion listed first which the RFP had announced, albeit inaccurately, as being the most important evaluation factor. See Piasecki Aircraft Corporation, B-190178, July 6, 1978, 78-2 CPD 10.

Both Associate and Marketing contend that the RFP's evaluation section did not adequately inform them that a working knowledge of the food stamp program was required. In this regard, the following subcriterion, not specified in the RFP, was utilized by the agency's technical team in the evaluation and scoring of technical proposals:

"Offeror's knowledge of operations of and experience in conducting studies involving local welfare, FSP [Food Stamp Program], etc., offices."

We have held that each evaluation subcriterion need not be disclosed in the solicitation so long as offerors are advised of the basic criteria. Genasys Corporation, 56 Comp. Gen. 835 (1977), 77-2 CPD 60. Additional factors may be used in an evaluation where there is sufficient correlation between an additional subcriterion and the generalized criteria in the RFP so that offerors are on reasonable notice of the evaluation criteria to be applied to their proposals. Littleton Research and Engineering Corp., B-191245, June 30, 1978, 78-1 CPD 466. For example, in a procurement of an accounting system to be implemented via computer terminals and linked by a telecommunications system, we found that an undisclosed subcriterion concerning telecommunications and Federal accounting

experience was logically related to the explicit evaluation criteria calling for "related corporate experience" and properly could be utilized in evaluating proposals. Genasys Corporation, supra.

In the instant case, knowledge of and previous experience in the food stamp or similar programs is a factor which is sufficiently related to the announced criteria which, among other things, call for a proposer's demonstrated capability to undertake the required study. Moreover, the RFP's statement of work is for a study of the food stamp program and prospective offerors logically should have known that knowledge of that or a similar program would be considered. We thus find no merit to this objection.

Both protesters assert that their proposed estimated total costs (Associate, \$293,093; Marketing, \$222,651), which were significantly less than the estimated total amount proposed by the awardee Chilton, should have been considered in the evaluation. However, the RFP informed offerors that the technical criteria would first be applied in evaluating proposals and consideration given to cost only after performance of the technical evaluation. In this regard, an agency may properly exclude a proposal from the competitive range after an initial technical evaluation, without considering cost, where the proposal is deemed technically unacceptable. Since an unacceptable technical proposal is not made acceptable by a favorable cost, consideration of that proposal's cost would amount to a useless exercise. 53 Comp. Gen. 1 (1973). Here the protesters were deemed technically unacceptable and were placed outside the competitive range. Therefore, neither was eligible for award irrespective of cost. See Science Applications, Inc., B-193229, May 23, 1979, 79-1 CPD 369.

Marketing, however, questions the evaluation of its technical proposal. The record shows that the agency found Marketing's knowledge of the food stamp program was deficient because its proposal did not address in any detail the issues associated with the required study. This lack of discussion, coupled with the absence of welfare economics training and/or experience on the part of Marketing's senior staff, suggested to the agency that Marketing was not presently prepared to undertake such a study and that

the Government would have to spend a great deal of time informing and orienting Marketing before any operational data analysis plans or report outlines could be developed.

As stated above, the agency reasonably was concerned with whether or not offerors demonstrated knowledge of the food stamp program, and Marketing does not suggest that its proposal demonstrated such knowledge. Moreover, the study was to begin immediately and the agency was primarily concerned with the considerable amount of time that it would have to devote to educate Marketing in the food stamp program. We therefore cannot conclude on this record that the agency's assessment of a technical proposal weakness in this instance was unreasonable.

Marketing also disagrees with other conclusions reached in the agency's technical evaluation, and provides comments purporting to show that its proposal in fact did not suffer from all of the weaknesses attributed to it by the agency. In this regard, the agency generally noted that:

"Serious weaknesses appear in several [RFP] topic areas within the [Marketing] proposal. These include \* \* \* inadequacies in \* \* \* case file sampling, data processing/editing, data analysis and computer facilities."

In contesting the agency's assessment of its proposal in the areas of case file sampling and data processing/editing, Marketing points to specific portions of its proposal which, it submits, addressed the questioned areas. However, the thrust of the agency's negative evaluation here was Marketing's lack of adequate discussion to show the firm's capabilities or potential capabilities in these areas. The agency notes that this negative evaluation was reinforced by Marketing's proposed allocation of what was considered to be insufficient personnel to adequately handle case file sampling and data processing/editing on the scale required for the food stamp program study. We see no reason to question the agency's judgment as to the sufficiency of personnel proposed by Marketing for these tasks.

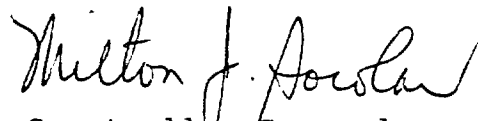
Regarding the data analysis requirement, the agency felt Marketing's proposal lacked specificity in that several techniques were discussed in general terms but

not referenced or explained well. The RFP placed the burden squarely on offerors to "submit enough information/ references with the proposals to permit an evaluation of the procedures to be used." Although Marketing disagrees with this criticism, it does note that "if we failed to communicate, we must accept responsibility for that failure."

Upon review of the record, we think Marketing's proposal could reasonably be viewed as not providing sufficient evidence to permit the agency to more positively assess the firm's ability to perform these requirements. Consequently, we think the agency's determination that Marketing's proposal was deficient with respect to case file sampling, data processing/editing, and data analysis was reasonable and consistent with the RFP's stated evaluation criteria. See Teledyne Inet, B-180252, May 22, 1974, 74-1 CPD 279.

Concerning the matter of Marketing's in-house computer facilities, the agency stated that "neither the type, sophistication nor availability of computer facilities to handle the data generated by this study were identified [in Marketing's proposal]." However, Marketing correctly points out that complete in-house data processing capacity was provided by a 370-168 computer system and related peripheral software and that this was stated in its proposal. It is clear from our review of Marketing's proposal that its computer facilities were in fact identified. In this respect therefore the agency's evaluation appears to be inaccurate. Nevertheless, this is not prejudicial error, because even if Marketing was awarded the full 15 evaluation points assigned to the subcriterion for in-house computer facilities, it is apparent that its technical ranking would not have been so favorably affected as to place it in the competitive range as ultimately determined by the agency.

Based on the foregoing, the protests are denied.



For the Comptroller General  
of the United States