

DECISION

27-741
Carter

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

FILE: B-208539**DATE:** February 14, 1983**MATTER OF:** Ecological Consulting, Inc.**DIGEST:**

Technical evaluation of proposal in a negotiated procurement is based on content of proposal. Contention that agency evaluation was improper is without merit and elimination of proposal from competitive range is reasonable where cumulative deficiencies would have necessitated a major rewrite for proposal to be acceptable.

Ecological Consulting, Inc. (ECON), protests the evaluation of its proposal and its elimination from the competitive range under request for proposals (RFP) No. DACW38-82-R-0004 issued by the United States Army Corps of Engineers (Corps).

We deny the protest.

The solicitation sought proposals for a series of map overlays covering the alluvial soils, aquatic habitats, land cover, and cultural patterns (towns, roads, etc.) along the lower Mississippi from Cairo, Illinois, to Head of Passes, Louisiana, a distance of approximately 980 miles. The information needed to prepare the overlays was to be collected using remote sensors, existing literature, and maps and field surveys, or some combination of these methods to be agreed upon by the contractor and contracting officer. The contractor would be required to verify the overlays to 90-percent accuracy through site visits, a process called "ground truthing." The RFP identified experience, quality of technical approach, staff expertise, costs, and ability to respond to the work schedule, as the principal evaluation factors in descending order of importance and required offerors to submit "pertinent information" addressing these factors for evaluation purposes.

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ECON proposed to perform ground-truthing by making site visits, generally by car or truck, and occasionally by boat, "to ensure that at least 90 percent of the type determinations derived from aerial photography agree with actual ground features." ECON proposed to augment this effort with aerial photography of potential problem areas. The level of ground-truthing effort which ECON proposed is reflected in its cost proposal as follows (actual amounts generally omitted):

| | | |
|--|----|-----|
| "Per Diem: 45 days @ \$X per day | \$ | ___ |
| Food on Site: 10 days @ \$X per day. | \$ | ___ |
| Aircraft Rental: 8 hours @ \$X per day | \$ | ___ |
| Mileage: 4,500 miles @ xx¢ per mile | \$ | ___ |

* * * * *

"Equipment Rental: automobile and boat \$300.00"

Aside from personnel resumes and some examples of prior work, ECON's recitation of its corporate experience consisted largely of a sketchy description of prior contracts and the identification of references.

The Corps was of the opinion that \$300 for vehicle rental and 10 days onsite was not adequate to cover 4,500 miles, considering the road network along the Mississippi, and that the 8 hours of aircraft time budgeted was not enough for any significant contribution to the ground-truthing effort. The Corps also noted that ECON's proposed staff hours were substantially lower than either other offerors or the Government estimate and that ECON had no identifiable experience in multivariable projects of a similar scope to this effort. In short, the Corps felt that although ECON's proposed approach was generally good, ECON had seriously misjudged the level of effort required and had no experience in efforts of similar complexity and difficulty.

The Corps eliminated ECON from the competitive range after concluding that the above deficiencies would have required a major rewrite of ECON's proposal. Several higher ranked proposals remained in the competitive range and award has been withheld pending our resolution of the protest.

ECON contends that the Corps' evaluation of its proposal was unreasonable. ECON asserts, for instance, that the Corps concluded ECON was proposing only 10 days for ground-truthing by confusing "food on site" with "days on site" and contends that the two individuals identified in its proposal to perform the bulk of this effort were budgeted for more than 10 days' effort and that the majority of the 45 days per diem was allocated to ground-truthing. ECON also states that the \$300 for vehicle rental was only for contingencies and that the Corps should have relied on the mileage figures, representing ECON's car and truck expenses, and points out that a small plane at 130 miles per hour could cover the entire distance included in the project. ECON also contends that the Corps has not "refuted" ECON's vast experience and argues that the Corps could have verified ECON's experience by contacting the references named in ECON's proposal.

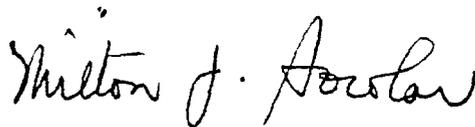
The evaluation of proposals and the determination of the competitive range are matters within the discretion of the procuring activity since the agency is responsible for identifying its needs and the best methods of accommodating them. Joule Technical Corporation, B-197249, September 30, 1980, 80-2 CPD 231; Joseph Legat Architects, B-187160, December 13, 1977, 77-2 CPD 458. It is each offeror's responsibility to establish in its proposal that what it proposes will meet the Government's needs. Texas Medical Instrument, B-206405, August 10, 1982, 82-2 CPD 122. We will not question an agency's evaluation of a proposal absent a showing that the agency's determination was unreasonable, arbitrary, or a violation of procurement laws and regulations. Digital Equipment Corporation, B-207312, August 9, 1982, 82-2 CPD 118; Vinnell Corporation, B-203806, August 3, 1982, 82-2 CPD 101.

We find that the Corps' determination was reasonable. In this respect, we note particularly that ECON's various contentions are largely based on information and explanations not present in ECON's proposal. Stripped of this supplementary material, we find, for example, that the "Food on Site: 10 days * * *" entry in ECON's expense summary is the only reference in ECON's proposal to onsite time and there is no explanation of whether or to what extent the per diem is intended to cover onsite time or other parts of the contract effort. Similarly, there is no breakdown of the

hours budgeted for the persons responsible for ground-truthing between that function and the other activities they would or might perform; one of these two individuals is identified as a participant in other major parts of ECON's proposed effort and the second is "on-call." Likewise, the 8 hours budgeted for aircraft rental is the only reference to the amount of time that the aircraft might be used and there is no indication of where the aircraft might be based or what portion of this time might represent nonproductive travel to and from the study site. Also, the \$300 budgeted for car and boat rental is the only reference to the source of the vehicles ECON proposes to use. Moreover, none of ECON's prior contracts can be identified from the description provided as a multivariable effort on the scale of this contract and we know of no requirement for the Corps to seek clarifying information from references absent some indication in the RFP that the Corps would do so. See Roy F. Weston, Inc., B-197866, B-197949, May 14, 1980, 80-1 CPD 340. Given these omissions, we find that the Corps' assessment of ECON's proposal was justified.

Furthermore, although this RFP called only for "pertinent information on which to base an evaluation," we find that the cumulative omissions and informational deficiencies in ECON's proposal fell short of this requirement and demonstrated a lack of understanding of the contract effort to such a degree that a major rewrite would have been required for the proposal to be acceptable. Because of this, we find no impropriety in ECON's exclusion from the competitive range. Informatics, Inc., B-194926, July 2, 1980, 80-2 CPD 8.

The protest is denied.

for 
Comptroller General
of the United States