

DECISION



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

FILE: B-210237

DATE: May 31, 1983

MATTER OF: Johns Holding Co.

DIGEST:

1. Since the offer was technically unacceptable vis-a-vis the RFP, fact that it was lowest in price, that offeror was experienced and that it proposed to perform in a manner that may have been acceptable under a previous RFP is irrelevant.
2. Although item for which offeror was rejected may represent only a small part of the contract, contracting agency acted properly in adhering to requirement in evaluation of offers, since item involves a material and essential service.

Johns Holding Co. (JHC) protests the rejection of its offer under request for proposals (RFP) 02-83 issued by the Office of Personnel Management (OPM) for credit data and reports.

JHC protests the rejection of its offer on several grounds. JHC contends that it should have received the award because it was the low, experienced offeror and had proposed to perform in the manner it performed under a previous OPM contract (30-80) and which was acceptable under another RFP. JHC further contends that it should not have been rejected because the item for which it was found unacceptable amounts to only 5 percent of the contract.

We deny the protest.

Here the RFP required that OPM investigators be able to walk into any credit bureau in the United States, Puerto Rico and the Virgin Islands and obtain credit reports over-the-counter upon presentation of a form to be supplied by the contractor. However, both the initial offer and the subsequent best and final offer, which was to address the over-the-counter requirement, failed to totally comply with the requirement. In that regard, the best and final offer indicated that JHC would follow the procedure it used under contract 30-80 of notifying credit bureaus after contract

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award to arrange for over-the-counter service to be provided to OPM investigators. Since OPM found that under the previous contract JHC was unable to provide over-the-counter service with that procedure in more than 200 cites, OPM considered the offer to be something less than an offer of total compliance. In the circumstances, we find that OPM had a reasonable basis to conclude that the JHC proposal was technically unacceptable and to reject it.

Since the offer was technically unacceptable vis-a-vis the RFP, the fact that it was the lowest in price, that the offeror was experienced and that it proposed to perform in a manner that may have been acceptable under a previous RFP is irrelevant. Macro Systems, Inc., et al., B-195990, August 19, 1980, 80-2 CPD 133.

Further, although the item for which JHC was rejected may represent only a small part of the contract, OPM has indicated that it involves a service that is material and essential to the needs of its field investigators and JHC has not denied that. Accordingly, we find that OPM acted properly in adhering to the requirement in the evaluation of offers. Philips Information Systems, Inc., B-208066, December 6, 1982, 82-2 CPD 506.

for *Milton J. Porolan*
Comptroller General
of the United States