

DECISION

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

FILE: B-210593

DATE: July 14, 1983

MATTER OF: Aqua-Tech, Inc.

DIGEST:

1. The determination of the relative merits of proposals is the responsibility of the agency that solicited them, and GAO will not disturb a determination unless it is shown to be arbitrary or to violate procurement statutes or regulations.
2. Proposal evaluations must be made on the basis of the information submitted with the proposals. No matter how capable an offeror may be, if it does not submit an adequately written proposal it cannot expect to be considered for award.
3. A technically unacceptable offer is of no value to the Government notwithstanding its price.
4. GAO will not review a protest concerning another offeror's small business size status, since by law the matter is for decision by the Small Business Administration.

Aqua-Tech, Inc. protests the award of contracts to GeoScience, Inc. and Vester J. Thompson, Jr., Inc., under request for proposals (RFP) No. DACW01-83-R-0011, a small business set-aside issued by the Army Corps of Engineers, Mobile, Alabama. We deny the protest in part and dismiss it in part.

The solicitation called for proposals for two jobs involving the collection and analysis of sediment and water

026133

samples from the Pascagoula Harbor and Mississippi Sound, Mississippi. Job 1 included the collection of samples and analysis of selected parameters from seven sites, while Job 2 included only the analysis of selected parameters from one site to serve as a quality control check for Job 1. The RFP stated that the same offeror would not be awarded both jobs, and that firm-fixed price contracts would be awarded.

The solicitation indicated that technical quality, organization and personnel, and proposed cost would be evaluated on an equal basis. Aqua-Tech's total evaluated score (the average of the scores under each of the 3 evaluation factors) for Job 1--42.2 points out of 100--was the second lowest of the 13 offerors; GeoScience's score of 86.7 points was the highest. Aqua-Tech's proposed price was \$40,865, while GeoScience's was \$54,896. Aqua-Tech's total score for Job 2--39.7 points--also was the second lowest. The firm's proposed price was \$8,637, whereas Vester J. Thompson, Jr., which scored the highest at 76.6 points, proposed a price of \$9,560.

Aqua-Tech contends that it is much more capable than its evaluation score reflects, and has submitted data, which was not included in its original proposal, in support of this contention.

The determination of the relative merits of an offeror's technical proposal is primarily a matter of administrative discretion on the part of the contracting agency. Dynamic Science, Inc., B-188472, July 20, 1977, 77-2 CPD 39. The function of our Office is not to evaluate anew the proposals submitted and make our own determination as to their relative merits, Houston Films, Inc. (Reconsideration), B-184402, June 16, 1976, 76-1 CPD 380, but simply to determine if there is a reasonable basis for the evaluation. See Digital Equipment Corporation, B-207312, August 9, 1982, 82-2 CPD 118.

The Army's evaluation team determined that Aqua-Tech's offer was unacceptable. The evaluators found that the firm failed to provide a detailed discussion of field sampling methodology or laboratory procedures necessary for this particular procurement. The technical evaluators also

found that Aqua-Tech proposed to use procedures not comparable to those required in the Scope of Work section of the solicitation. Aqua-Tech's quality control plan was deemed not "project specific," and much of the proposal's discussion was judged not relevant to the tasks required for completion of the project. As to the personnel qualifications, the evaluators determined that Aqua-Tech's presentation made it difficult to rate the education and graduate training, as well as the work experience, of Aqua-Tech's personnel. The evaluators concluded that due to the proposal's lack of detail, irrelevant discussion, and errors in scheduling work completion, there was some question whether Aqua-Tech understood the needs of the project as discussed in the Scope of Work. GeoScience's average Job 1 point scored, not including cost, was more than twice that of Aqua-Tech, and Vester J. Thompson's average for Job 2 was almost twice Aqua-Tech's.

Aqua-Tech, presented with the Army evaluators' conclusions, does not dispute them, but instead contends that information and explanations it has furnished with its protest show that the firm should have received higher ratings.

We will not question the Army's determinations based on the information Aqua-Tech now provides. Proposals must be evaluated based on the information furnished with them. Comten-Comress, B-183379, June 30, 1975, 75-1 CPD 400. No matter how capable an offeror may be, it cannot expect to be considered for award if it does not submit an adequately written proposal. Informatix, Inc., B-194926, July 2, 1980, 80-2 CPD 8. As Aqua-Tech has provided no evidence to dispute the evaluation of the proposal it submitted, other than supplementing its offer via its protest, we cannot object to the evaluation of the firm's offer. Weldun Special Machine, B-207268, August 23, 1982, 82-1 CPD 166.

Aqua-Tech nonetheless contends that award to an offeror other than the lowest-priced one is improper. As stated above, however, Aqua-Tech's offer was found technically unacceptable, and we have no basis to disagree with that finding. Obviously, an unacceptable offer is of no value to the Government notwithstanding its price. Duroyd Manufacturing Company, Inc., B-195762, November 16, 1979, 79-2 CPD 359.

B-210593

Finally, Aqua-Tech alleges that GeoScience is not a small business for purposes of this procurement. Under 15 U.S.C. § 637(b) (1976), the Small Business Administration is empowered to make conclusive determinations on matters of small business size status for Federal procurement purposes. Our Office therefore does not consider size status protests. See Walsky Construction Co., B-202719, April '9, 1981, 81-1 CPD 276.

The protest is denied in part and dismissed in part.

for *Harvey D. Orr*
Comptroller General
of the United States