



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Delta Computec, Inc.
File: B-225442
Date: February 9, 1987

DIGEST

Protest against the adequacy of the agency's evaluation of the awardee's experience in the type of work called for by the solicitation is denied where the record shows a reasonable basis for the evaluation that is consistent with the solicitation's technical evaluation criteria.

DECISION

Delta Computec, Inc. (Delta), protests the award of a fixed-price contract to Telos Field Engineering (Telos) under request for proposals (RFP) No. 86-17, issued by the Library of Congress (Library) to maintain the Library's computer equipment for 36 months. Delta argues that the Library improperly evaluated Telos' experience. We deny the protest.

The RFP required remedial and preventive maintenance services, including spare parts, on an on-call basis for the Library's Data General, Four Phase, and IBM computers and their associated hardware as listed on the solicitation's equipment schedule. The RFP asked for separate maintenance prices for the equipment in each of the three computer categories. The selection of the awardee was to be based 75 percent on the offeror's proposed price and 25 percent on the offeror's demonstrated experience and satisfactory performance in maintaining computer hardware of a similar size and nature. The solicitation also set forth a technical evaluation point scale based on the number of years of an offeror's demonstrated maintenance experience. According to the scale, 1 year or less of experience would receive no evaluation points and 5 years or more would receive the full 25 technical evaluation points. From 3 to 20 points would be given for between 1 and 5 years experience.

038029

132150

The Library received seven proposals for maintenance of the Data General equipment portion of the RFP. The Library determined that three of the offerors lacked any demonstrated experience in maintaining similar equipment and eliminated them from the competition. The other 4 offerors, including Delta and Telos, received the full 25 points, in accordance with the RFP's evaluation criteria, for having 5 or more years of maintenance experience. Since these four offerors were found to be technically capable and also equally qualified in terms of experience to perform the maintenance work called for by the RFP, the Library decided no discussions were necessary, and the offerors' initially-proposed prices became the dispositive factor in making the award. Award in the amount of \$352,872 was made to Telos as the offeror having the lowest offered price.

Delta, the second low offeror at \$392,040, contends that Telos should not have received the full 25 points for maintenance experience. Delta alleges that Telos has no experience in maintaining at least 14 types of Data General equipment listed in the RFP. Delta asserts in this regard that certain of the items of equipment are so new to the computer industry that it is impossible for Telos to be experienced in servicing similar equipment because no such similar equipment exists. Delta argues that it was prejudiced by the unwarranted high evaluation of Telos' experience because even with the award evaluation weighted 75 percent in favor of price, Delta's superior experience as the incumbent contractor maintaining Data General equipment for the Library should have outweighed the small difference in price between the two proposals.

The Library disputes Delta's allegation that the Library's Data General equipment is so new that Telos cannot have the experience needed to maintain it; in the Library's view, the ability of a company to service and maintain computer hardware is essentially transferable from one type of computer unit to another. The Library also maintains that an experienced computer service company will hire or train employees that might be needed for equipment relating to a particular contract and that good technicians with an adequate electronics background can be trained rather easily to work on various types of computers that basically are similar. The Library states that its evaluators contacted all the maintenance references in Telos' proposal to ascertain whether the computers Telos had serviced were similar to the Library's Data General computers, and that these contacts established that Telos' proposal in fact reflected 5 or more years experience in servicing Data General and comparable equipment. Thus, the Library asserts that it properly determined that

Telos had the experience to justify receiving the full 25 technical evaluation points.

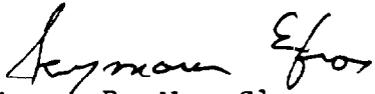
The determination of the relative merits of proposals, particularly with regard to technical considerations, is primarily the responsibility of the contracting agency, not our Office, since the agency must bear the burden of any difficulties resulting from a defective evaluation. Litton Systems, Inc., Electron Tube Division, 63 Comp. Gen. 585 (1984), 84-2 C.P.D. ¶ 317. In light of this standard, we consistently have held that procuring officials enjoy a reasonable degree of discretion in evaluating proposals, and that their judgments will not be disturbed unless shown to be arbitrary or in violation of procurement laws and regulations. Vibra-Tech Engineers, Inc., B-209541.2, May 23, 1983, 83-1 C.P.D. ¶ 550.

Delta has not established that the Library's evaluation of Telos' maintenance experience was unreasonable. In its proposal, Telos represented that it was a proven, experienced hardware maintenance firm with 16 years of experience. In support of the representation, Telos listed a number of its prior maintenance contracts at other government agencies within the last 10 years, which Telos indicated were directly related to the Library's maintenance requirements. As noted above, the Library's evaluators contacted these listed references to ascertain whether the computers were similar in nature to the Library's and determined that they were. In addition, the record shows that the evaluators queried these references as to the length of the services provided by Telos, Telos' overall effectiveness and technical capabilities, and any problems encountered with Telos' performance. As indicated, the Library's evaluators concluded from these contacts that Telos' overall technical capabilities were very good and that no problems had been encountered with Telos' performance. With regard to Delta's complaint that Telos lacks experience in maintaining the exact type of Data General equipment that the Library has, we note that the RFP's evaluation criteria did not specify that an offeror's maintenance experience be with any particular type of computer, only that the experience be on computers similar in size and nature to the Library's computers.

In our view, Delta's argument that Telos should not have received the full 25 technical evaluation points because some of its experience is on other machines, essentially reflects only a difference in judgment between Delta and the Library as to the quality of Telos' maintenance experience. Disagreement between the protester and the agency over such a technical consideration is not sufficient, in itself, to

establish that the agency's judgment was unreasonable.
National Council for Urban Economic Development, Inc.,
B-213434, Aug. 1, 1984, 84-2 C.P.D. ¶ 140.

The protest is denied.

for 
Harry R. Van Cleve
General Counsel