



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Scheduled Airlines Traffic Offices, Inc.

File: B-225693.2

Date: May 4, 1987

DIGEST

Protest that agency's award of contracts one day prior to the deadline for the protester to submit requested financial information indicates that the agency did not give the protester's proposal full and fair consideration is without merit where the record shows that the agency requested financial information solely in connection with a preaward survey of the protester's responsibility and not in connection with its evaluation of the protester's proposal.

DECISION

Scheduled Airlines Traffic Offices, Inc. (SATO) protests the award of a requirements contract for travel management services in Chicago, Illinois, to Ask Mr. Foster Travel Services and the award of a similar contract to Northwestern Business Travel for the same services in Minneapolis/St. Paul, Minnesota. The General Services Administration awarded both contracts under request for proposals (RFP) No. FBT-056-N-8-28-86.^{1/} We deny the protest.

The solicitation provided that the agency would evaluate proposals based on five factors: Project Management and Offeror's Qualifications, which would be considered equally important, followed by Equipment Capability, Personnel Qualifications, and Rebate. Following review of the proposals by a technical review panel on all factors except rebates, SATO was the highest-ranked offeror for the Chicago area and the fifth-ranked offeror for Minneapolis/St. Paul. When the scores for rebates were added to the technical scores, however, SATO was not the highest-rated offeror for either location. The agency made awards to the

^{1/} The RFP also solicited offers for travel management services in Cincinnati, Ohio, but that part of the agency's requirement is not at issue in this protest.

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highest-rated offerors for the two locations on January 13, 1987. As the solicitation advised was a possibility, awards were made on the basis of initial proposals.

The basis for SATO's protest is that by letter dated January 7 the agency informed the protester that it would have until January 14 to submit information concerning the firm's financial capability. According to the protester, the fact that the agency awarded contracts while SATO still had one day remaining to submit the required financial information indicates that the agency did not give the firm's proposal full and fair consideration. The protester notes that on January 13 the agency official who had requested the financial information informed the protester that the information submitted to date was all that would be necessary.

The agency explains that the request of January 7 for financial information from the protester was not made in connection with the agency's evaluation of the firm's proposal, but rather was part of the agency's determination of whether SATO was a responsible prospective contractor. The agency says that the contracting officer routinely requested preaward surveys on all offerors considered to have a reasonable chance for award, which, at least prior to the rebate evaluations, included the protester with respect to the Chicago area.

The protest is without merit. In order to receive a government contract awarded on the basis of competitive proposals, not only must a firm submit the proposal determined to be the most desirable under the solicitation's evaluation criteria, but the firm also must be a responsible prospective contractor. See Federal Acquisition Regulation, 48 C.F.R. § 9.103 (1986). A responsibility determination is entirely separate from an agency's evaluation of the relative merits of an offeror's proposal. Edgewater Machine & Fabricators, Inc., B-219828, Dec. 5, 1985, 85-2 CPD ¶ 630.

Here, the record supports the agency's explanation that it requested financial information of the protester solely in connection with its determination of the firm's responsibility. In this regard, the solicitation required offerors to have sufficient financial capacity, working capital, and other resources to perform the contract without assistance from the agency. The request for financial information in this case was made in connection with a preaward survey of the protester's ability to perform a contract awarded under the solicitation. Preaward surveys

may be conducted of offerors who have not been selected for award. Pyrotechnics Industries, Inc., B-221886, June 2, 1986, 86-1 CPD ¶ 505.

In any event, we fail to see how SATO may have been prejudiced by the agency's awarding of contracts on January 13. According to the protester, the agency informed it on that day that it had complied in full with the request for financial information, and the protester has not alleged that it would have submitted anything further by the next day.

The protest is denied.

for 
Harry R. Van Cleve
General Counsel