

Timmerman



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Donald D. Jackson

File: B-230194, B-230195, B-230196, B-230197

Date: April 29, 1988

## DIGEST

Procuring officials enjoy a reasonable degree of discretion in evaluating proposals, and the General Accounting Office will not disturb an evaluation where the record supports the conclusions reached and the evaluation is consistent with the criteria set forth in the solicitation.

## DECISION

Donald D. Jackson protests the award to any other offeror of four contracts under request for quotations (RFQ) Nos. 60-64KY-8-C0047Q, 60-64KY-8-C0048Q, 60-64KY-8-C0049Q, 60-64KY-8-C0051Q, issued by the Farmers Home Administration (FmHA) for farm appraisal services in several counties in Missouri. Jackson contends that he quoted the lowest prices and argues that he should have scored higher under the technical evaluation factors. We deny the protests.

The RFQs, issued on December 7, 1987, contemplated award of indefinite quantity contracts under which individual work orders for appraisal services would be issued as the need arose. The RFQs listed three evaluation factors for award, qualifications and background of the firm, history of past work, and cost. All three categories were given point scores, with qualifications and history each worth a maximum of 30 points and cost worth 40 points. Award was to be made to the offeror whose offer was "most advantageous to the government." FmHA specifically reserved the right to accept other than the lowest priced offer.

Prices were requested for the appraisal of farm real estate, farm chattel property and residential property. Contractors were to submit a range quotation with a low price and a high price for each of the three types of appraisals. For individual orders, firm prices within the ranges quoted were to be negotiated as each work order was issued. At the preproposal conference, the agency gave the potential

042046/135723

offerors its estimate of what reasonable prices would be for each category based on the work to be performed and past experience. Prices within that range, or reasonably close to the range, were to receive the full 40 points for the cost score.

On the December 30 closing date, FmHA received between seven and nine proposals for each of the RFQs. The protester's prices, although falling somewhat outside the agency's estimated ranges, were generally lower than the awardees'. This difference was reflected in the cost scores; the protester received a cost score of 38 under all four RFQs, while the two awardees (Mid America Land Services and Appraisal Services of America, each of which received two of the four contracts at issue) received scores of 31 and 35. In the remaining two categories, qualifications and history, the protester was not rated as highly as the awardees; as a result, the protester's total scores were lower than the awardees'. The quotations were scored as follows:

	<u>Qualifications</u>	<u>History</u>	<u>Cost</u>	<u>Total</u>
<u>Macon County</u>				
Donald D. Jackson	27	21	38	86
Mid America Land Services	30	30	31	91
<u>New London County</u>				
Donald D. Jackson	27	21	38	86
Appraisal Services of America	30	27.5	35	92.5
<u>Paris County</u>				
Donald D. Jackson	27	21	38	86
Appraisal Services of America	30	27.5	35	92.5
<u>Moberly County</u>				
Donald D. Jackson	27	21	38	86
Mid America Land Services	30	30	31	91

Jackson argues that he was unfairly downgraded in the areas of qualifications and history. As discussed below, we see no basis to question FmHA's evaluation of Jackson's proposals.

The evaluation of proposals or quotations is the function of the contracting agency, and our review of allegedly improper evaluations is limited to a determination of whether the evaluation was fair and reasonable and consistent with the stated evaluation criteria. Delaney, Siegel, Zorn & Associates, B-224578.2, Feb. 10, 1987, 87-1 CPD ¶ 144. The fact that the protester objects to the evaluation, and perhaps believes its own proposal was better than evaluated by the agency, does not render the evaluation unreasonable. Lembke Construction Co., Inc., B-228139, Nov. 23, 1987, 87-2 CPD ¶ 507.

The RFQs defined the history evaluation factor as "[h]istory of past work including references from Federal agencies, individuals or firms for whom the offeror has performed like work." Our review of the record indicates that the protester was scored lower in this area based on performance problems with work the protester performed for the FmHA under a prior contract. The Kirksville, Missouri, FmHA office documented a number of problems with the protester's work, including 12 appraisals returned for corrections, the appraisal of a building not on the farm being appraised, and an FmHA supervisor having to personally reappraise 6 farms because the protester's appraisals were unacceptable. An official at that office stated that FmHA personnel had met with Jackson on several occasions to discuss the appraisal deficiencies.

The protester disagrees with this characterization of his performance. He states he does not use the method of capitalization the Kirksville office uses in conducting appraisals because he believes their method incorrect and not in accordance with his professional training. He does not believe the supervisor reappraised six farms, notes that he completed far more appraisals for the Kirksville office than any other appraiser, and believes his appraisals were done competently.

We find no reason to disturb the agency's evaluation. Although the protester disagrees with the Kirksville office's characterization of his work and the agency's scoring, the protester has not provided any evidence to support his claims. Moreover, the record does not reflect any similar problems with the awardees, both of whom also have previously performed work for the FmHA. Under the circumstances, the record does not support a conclusion that the agency was unreasonable in its scoring of Jackson's proposals under the history evaluation factor. Microcom, B-227267, Aug. 7, 1987, 87-2 CPD ¶ 138.

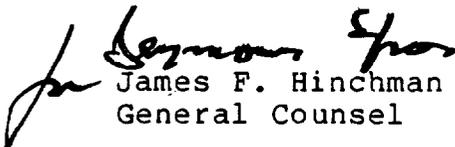
The qualifications factor was defined in the solicitations as "[q]ualifications and [b]ackground of firm/personnel

expected to perform the work." Under each RFQ, the protester was given a score of 27 in this category, slightly less than the maximum of 30 points scored by both awardees. Appraisal Services of America, awarded 2 of the 4 contracts, employed 14 appraisers and listed 4 who had special expertise in farm appraising. Mid America Land Services, awarded the other two contracts, listed three real estate appraisers and one chattel appraiser who would perform the work as well as two other appraisers who were available if needed. Both awardees submitted detailed personnel resumes together with references. The protester submitted only his own resume, which, although apparently satisfactory, does not indicate as much depth and is not as comprehensive as that of the awardees who scored three points higher. We therefore have no reason to conclude that the agency's evaluation was unreasonable.

Further, to the extent that Jackson maintains that he should have received the awards because he offered the lowest prices, this contention is without merit. Since the solicitations expressly reserved FmHA's right to accept other than the lowest priced offer, FmHA clearly retained the discretion to select a higher priced offer which received a higher technical score. Engineering and Professional Services Inc., B-228437, Nov. 3, 1987, 87-2 CPD ¶ 439.

The protester also complains that he was denied the chance to submit an offer in the name of his firm, Appraisals Unlimited, which consists of Jackson and another appraiser. Both Jackson and the other appraiser each submitted offers in their own names. According to the agency, since a number of the appraisers do work both as individuals and as part of a business enterprise, potential offerors were advised that the agency preferred they offer one way or the other but not both. As both Jackson and his partner were given the option to compete either as Appraisals Unlimited or as individuals, we fail to see how the protester was harmed. He does not allege that he would have quoted lower prices for the work or received higher scores on the technical factors had he competed in the name of his firm. We therefore find this contention to be without merit.

The protests are denied.

  
James F. Hinchman  
General Counsel