



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Vista Videocassette Services, Inc.

File: B-230699

Date: July 15, 1988

DIGEST

Agency's decision to exclude protester's proposal from the competitive range was not unreasonable where proposal contained significant technical and informational deficiencies such that it would require major revisions before it could be made acceptable and protester's technical score was 34 percent lower than that of only other offeror.

DECISION

Vista Videocassette Services, Inc., protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. MDA902-88-R-0024, issued by the Department of Defense, Armed Forces Radio and Television Service Broadcast Center. Vista argues that the agency improperly evaluated its proposal and failed to provide an opportunity to discuss the deficiencies and submit revisions.

We deny the protest.

The solicitation requested proposals to provide videocassette duplication, distribution, handling, and associated services in connection with the supply of television programming material to worldwide outlets. The purpose of the RFP was to compare proposals received with an existing contract option so as to determine whether a more advantageous offer than the option could be obtained.

The solicitation provided for award, if any, to be made to the offeror whose combined technical and cost evaluation scores resulted in the highest overall score; technical score was given a weight of 70 percent in the total combined score and cost was worth 30 percent. Under the technical criterion, proposals were to be evaluated in 3 areas: (1) technical approach (70 percent of technical), (2) management approach (15 percent); and (3) corporate experience/capacity (15 percent). The RFP generally instructed

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offerors to submit a detailed discussion of the technical approach to accomplishing all aspects of the contract requirements; it specifically required proposals to include, among other things, a discussion of how the proposed management and technical approaches would assure timely performance at the quality level required, and a description of the work performed under past or current contracts of the same or similar type contemplated under the solicitation.

The agency received proposals from Vista and the incumbent contractor, Bell & Howell/Columbia Pictures Video Service. Technical proposals were scored as follows:

<u>Technical</u>	<u>Possible</u>	<u>Vista</u>	<u>Bell &</u>
	<u>Score</u>		<u>Howell</u>
1. Technical Approach			
Equipment/Systems	130	103	115
Methods of Performance	120	71	108
Understanding of Requirements	90	54	82
Government/Contractor Inter- face	50	27	45
Security	50	34	44
Quality Control	50	24	44
2. Management	105	39	93
3. Corporate Experience and Capacity	105	30	93
	<u>700</u>	<u>382</u>	<u>624</u>

The evaluation panel concluded that Bell & Howell's proposal contained a complete and detailed discussion of the procedures to be used in performing the required work, thereby demonstrating Bell & Howell's comprehensive understanding of the contract requirements; the proposal, however, was priced above the option price. Although Vista's proposal was priced below the option price, it was determined to be so technically unacceptable that it was not reasonably susceptible of being made acceptable. The evaluation panel rated Vista's proposal as below average or unsatisfactory for all technical evaluation categories except equipment/systems, which was rated low average. The panel found that numerous solicitation requirements were not addressed or were addressed with such little detail that critical elements of the proposal could not be evaluated, and determined that these deficiencies indicated that the protester did not understand the totality of the government's requirements. The contracting officer therefore excluded Vista's proposal

from the competitive range on the basis that it was technically unacceptable. Due to the technical unacceptability of Vista's proposal and the higher cost of Bell & Howell's proposal, the contracting officer determined that no proposal was more advantageous than the option under the existing Bell & Howell contract and, accordingly, exercised the option on February 16, 1988. Vista thereupon filed this protest with our Office.

Essentially, Vista maintains that its proposal was unfairly evaluated since it took no exceptions to the solicitation requirements and, moreover, indicated Vista would comply with every requirement. Vista believes that portions of its proposal were overlooked in the evaluation, that its proposal was generally misread, and that the proposal was measured against Bell & Howell's proposal as a standard, rather than against the requirements of the RFP. Vista also maintains that the cited deficiencies could easily have been corrected through discussions.

In reviewing complaints about the evaluation of a technical proposal and the resulting determination of whether the proposal is within the competitive range, our function is not to reevaluate the proposal and independently judge its merits. Educational Computer Corporation, B-227285.3, Sept. 18, 1987, 87-2 CPD ¶ 274. Rather, procuring officials have a reasonable degree of discretion in evaluating proposals, and we will determine only whether the evaluation was unreasonable or otherwise in violation of the procurement laws and regulations. Id. Although the competitive range of offerors to be included in discussions must include all proposals that have a "reasonable chance of being selected for award," and any doubt as to whether a proposal is in the competitive range should be resolved by inclusion, Federal Acquisition Regulation § 15.609(a), our Office will not disturb an agency's decision to exclude a firm from the competitive range where its technical proposal is reasonably considered so deficient that it would require major revisions to be acceptable. Electronics Warfare Associates, B-224504, et al., Nov. 3, 1986, 86-2 CPD ¶ 514.

Based on our review of the record, we find that the evaluation had a reasonable basis. We discuss a number of Vista's alleged evaluation deficiencies below.

Initially, we point out that, contrary to Vista's position, it is not improper to determine whether to include a proposal within the competitive range by comparing the proposal to those of its competitors. See Systems Integrated, B-225055, Feb. 4, 1987, 87-1 CPD ¶ 114. It is not even clear, however, that the agency took this approach. Rather, the record shows that Vista's proposal in fact was

found technically unacceptable because it did not demonstrate an adequate understanding of the solicitation requirements; did not adequately detail a proposed approach to performance; and did not provide sufficient information in such critical areas as past experience so as to be considered acceptable.

For example, Vista received an unacceptable score for quality control because, in part, it proposed to provide a random sampling inspection of only 4 percent of the duplicated video cassettes, while the RFP required random sampling of 10 to 12 percent. Further, with respect to the subcriterion for performance, although the RFP included a nine page schedule of packaging and marking procedures for the duplicated videocassettes, with specific requirements for cassette program identification labels and production stickers, the corresponding section of Vista's proposal consisted only of a four-sentence discussion of inspection procedures; Vista failed to address the RFP requirements for labeling and packaging, including, specifically, the requirement for use of bar codes on the videocassette labels.

With regard to the criterion for management approach, where Vista's score also was unacceptable, Vista's proposal included no discussion, as required by the RFP, of the proposed management approach to assuring timely performance at the required quality level. In addition, Vista's proposal did not include the information required by the RFP relating to corporate experience, another area in which it received an unacceptable score; although Vista listed several prior contracts, it failed to describe the work required under the contracts, leaving the evaluation panel with no reasonable basis for determining that Vista's past experience included contracts for the same or similar type of effort.

Moreover, our review confirms the agency's finding that Vista's proposal consisted largely of blanket offers of compliance; in particular, it included RFP pages containing the technical specifications on one side of its proposal pages under the heading "technical," and on the right side of the pages, the typed word "compliance" appearing across from each printed specification. As we have previously indicated, such blanket offers of compliance are insufficient to satisfy a solicitation requirement for detailed information which an agency deems necessary for evaluation purposes. Commission on Professional and Hospital Activities, B-228924, Dec. 29, 1987, 87-2 CPD ¶ 637.

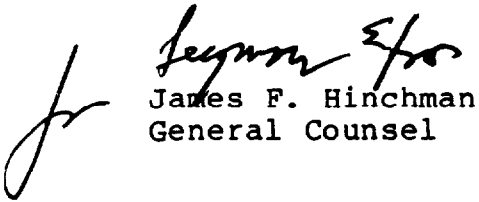
Rather than the agency having misread Vista's proposal, as Vista alleges, it appears that Vista misread the RFP. Vista

maintains that the overriding aspect of the contemplated contract was the equipment itself, not any particular expertise in using the equipment, and that there thus was no need for an explanation of techniques to be applied. The RFP, however, specifically instructed offerors to submit a detailed discussion of the proposed technical approach and assigned 70 percent of the technical score to this area.

An offeror must demonstrate affirmatively the merits of its proposal, and it runs the risk of rejection if it fails to do so. See RCA Service Co., et al., B-218191 et al., May 22, 1985, 85-1 CPD ¶ 585. Here, Vista simply did not provide for requirements in the manner described in the RFP, and failed to include critical information specified in the RFP and deemed necessary to evaluate the firm's proposal. Under these circumstances, we find that the agency's determination that Vista's proposal was technically unacceptable and not reasonably susceptible of being made acceptable, and the consequent elimination of the proposal from the competitive range, was reasonable. See generally Commission on Professional and Hospital Activities, B-228924, supra (not unreasonable to eliminate proposal that fails to comply with requirement for submission of detailed information deemed necessary for evaluation, even where this resulted in a competitive range of one).

As for the protester's contention that the agency acted improperly in not discussing its proposal deficiencies, discussions need not be held with offerors who are technically unacceptable and not susceptible of being made acceptable. See California Microwave, Inc., B-229489, Feb. 24, 1988, 88-1 CPD ¶ 189.

Protest is denied.


James F. Hinchman
General Counsel