



The Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

**Matter of:** GLH, Inc.  
**File:** B-232156  
**Date:** November 18, 1988

### DIGEST

1. Protest is denied where protester claims that evaluation of its proposal for questionnaire data analysis was inaccurate, but record indicates that evaluation had a reasonable basis and was made according to the stated evaluation criteria.
2. Technically unacceptable proposal may be excluded from competitive range notwithstanding its low proposed price.

### DECISION

GLH, Inc., protests the rejection of its proposal as technically unacceptable, and the award of a contract to Grant Thornton, under request for proposals (RFP) No. TC-88-001, issued by the International Trade Commission (ITC) for assistance in the development of a program to verify questionnaire data received in connection with ITC investigations. We deny the protest.

The solicitation required the submission of a technical proposal and a business proposal. It provided an evaluation scheme as follows: (1) experience-40 points; (2) key staffing-35 points; (3) approach-20 points; and (4) cost-5 points. The RFP stated that award would be made to the responsible offeror whose technical proposal most clearly met the terms of the RFP and was deemed most advantageous to the government considering cost, price, and other factors. It also provided that when technical proposals were found equal in technical merit, proposed price would be a major factor, and stated that the agency would not negotiate with any offeror whose proposal was judged outside the competitive range.

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Six proposals were received by the closing date. The proposals were evaluated in the following manner: (1) the technical proposals were reviewed by a panel of three evaluators and scored in accordance with the technical evaluation criteria; and then (2) the proposals in the technical competitive range were evaluated in terms of the stated cost factors. The scores after the technical evaluation were:

<u>Offeror</u>	<u>Technical Score</u>
Grant Thornton	90
Ernst & Whinney	82
IUR	53
GLH	41
Gracey	41
Boandi	19

Grant Thornton and Ernst & Whinney were included in the competitive range as being the only firms considered to have a reasonable chance to receive the award. The ITC concluded that GLH's proposal was technically unacceptable and that it should be excluded from the competitive range, particularly given the quality of the other proposals received. Following negotiations, the agency made award to Grant Thornton in the amount of \$68,150.

ITC rejected GLH's technical proposal as technically unacceptable based on the following deficiencies: ITC determined that GLH and its personnel had good consulting experience, but limited auditing experience; GLH's work experience included only projects minimally related to the proposed project; and the firm's proposal allocated insufficient time to guidebook preparation and excessive time to training.

GLH challenges the rejection of its proposal, claiming that it thoroughly understood the requirements, that its proposal was detailed and included a project schedule, and that it has done previous related work. GLH further asserts that it possesses the necessary experience and capability to complete the work, that it proposed seven staff members to perform the contract, four of whom have doctorates in related fields and at least 20 years of experience in similar efforts. In fact, GLH states, its experience was such that it felt that it could complete the project earlier

than required, and proposed to do so at a cost of \$19,628.70, far lower than Grant Thornton's proposed cost.

As the evaluation of technical proposals is inherently a subjective process, in reviewing protests of an allegedly improper evaluation our Office will not substitute its judgment for that of the agency's evaluators, but rather will examine the record to determine whether the evaluators' judgments were reasonable and in accordance with the listed criteria, and whether there were any violations of procurement statutes and regulations. Data Resources, B-228494, Feb. 1, 1988, 88-1 CPD ¶ 94. The protester has the burden of showing that the agency's evaluation was unreasonable, and the burden is not met by the protester's mere disagreement with the evaluation or its belief that its proposal should have received a higher rating. Id.

We have reviewed the record and find ITC's scoring and rejection of GLH's proposal to have been reasonable. GLH's greatest deficiency was found to be under the most important factor, experience, which encompassed past experience with projects of the same nature, knowledge of accounting principles and practices, knowledge of audit techniques, and ability to apply such principles in unusual situations. The evaluators found that GLH had ample experience in management consulting, but limited experience in auditing. The record supports that conclusion. In this regard, where the RFP required a listing of contracts of a similar nature to the one here GLH produced a long list of projects, but most were found to concern management projects of limited relation to the proposed project. In comparison, Grant Thornton's proposal indicates that the firm has extensive experience performing numerous contracts related to similar investigations by the Department of Commerce's International Trade Administration.

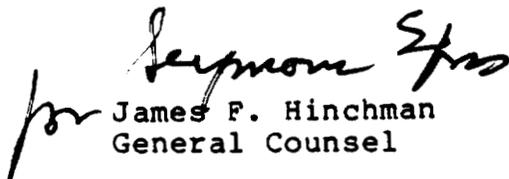
GLH appears to concede that the firm lacks auditing experience, but it believes this weakness was overcome by the "extensive auditing experience" of its two key staff members. However, ITC found that the staff members named (as well as the other GLH staff) had limited experience in audits, at least compared to Grant Thornton which, again, offered individuals with extensive prior experience on similar contracts with ITC. We further note that while one of GLH's key staff members (a consultant added to GLH's staff) had considerable background in auditing for a government agency, there is no showing in GLH's proposal that this experience involved projects similar to the one involved here.

We conclude that ITC properly evaluated GLH's proposal in accordance with the terms of the RFP, and thus properly eliminated GLH from the competition.

GLH seems to believe that its low proposed price should have warranted award to the firm. The solicitation made it clear, however, that technical merit was the critical evaluation factor. See Kay and Associates, Inc. et al., B-229850 et al., Apr. 4, 1988, 88-1 CPD ¶ 137. Moreover, where a proposal is judged technically unacceptable, the agency is not obligated to consider a lower proposed cost. See John W. Gracey, B-228540, Feb. 26, 1988, 88-1 CPD ¶ 199.

GLH has requested reimbursement of its proposal preparation costs. Our Bid Protest Regulations, however, permit the recovery of those costs only where we find that an agency's actions were contrary to law or regulation, which is not the case here. 4 C.F.R. § 21.6(d) (1988); Antenna Products Corp., B-228289, Jan. 19, 1988, 88-1 CPD ¶ 43.

The protest is denied.

  
James F. Hinchman  
General Counsel