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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Restrepo & Associates
File: B-233095
Date: January 30, 1989

DIGEST

Where agency's report specifically addresses argument raised in initial protest that protester's proposal was improperly excluded from the competitive range as technically unacceptable, and protester fails to rebut the agency position in its comments on the agency report, the issue is deemed abandoned.

DECISION

Restrepo & Associates protests the Department of the Army's exclusion of Restrepo's proposal from the competitive range under request for proposals (RFP) No. DABT60-88-R-0071, a total small business set-aside for interactive videodisc courseware development for the United States Army Aviation Center. Restrepo is 1 of 11 firms responding to the RFP. We dismiss the protest.

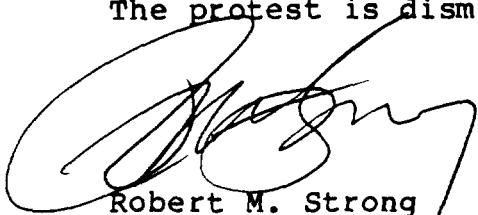
The Army rejected Restrepo's proposal for failure: (1) to show the entire organization of its proposed program and the ability to timely perform; (2) to adequately describe its management approach; and (3) to demonstrate that its personnel had the required experience and technical qualifications. Restrepo protests the rejection, arguing that the combined technical experience of Restrepo and its subcontractor provided a sufficient basis to include it in the competitive range for purposes of discussions.

The Army responded to the protester's contentions that its offer was technically acceptable and that the evaluation of the proposals was not consistent with the stated evaluation criteria in considerable detail in an attachment to its report which we provided to Restrepo. Restrepo's comments on the report merely note that the agency's evaluation took into consideration subcriteria that it characterizes as "second tier specifications"--since they were called as references in the solicitation, but not specifically

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enumerated as evaluation factors--and observes that the firm "never felt required to respond to Data Item Descriptions at the level of detail that would seem to be indicated by the Government's evaluation comments." The protester further stated its intent to supplement its comments when it receives information which it requested under the Freedom of Information Act. In our view, the protester's response neither disputes nor refutes the substance of the agency's rationale for finding Restrepo's offer technically unacceptable. Where an agency specifically addresses issues raised by the protester in its initial protest and the protester fails to rebut the agency response in its comments, we consider the issues to have been abandoned by the protester. Front Desk Enterprises, Inc., B-230732, June 23, 1988, 88-1 CPD ¶ 603.

The protest is dismissed.



Robert M. Strong
Associate General Counsel