



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Aztech Electric, Inc.

File: B-234181

Date: April 20, 1989

DIGEST

Protest that agency improperly failed to make award to the lowest-priced, technically acceptable offeror is denied where solicitation provided for award to the offeror submitting the most advantageous proposal, considering price and technical factors, and agency reasonably made a price/technical tradeoff in selecting a technically superior, slightly higher-priced offeror.

DECISION

Aztech Electric, Inc., protests the award of a contract to Burke Electric, Inc., under request for proposals (RFP) No. 8-SP-10-09370, issued by the Department of the Interior for a laser light show at the Grand Coulee Dam. Aztech argues that the RFP required award to be made to the lowest priced offeror.

We deny the protest.

The RFP contemplated the award of a firm-fixed-price contract for the design and installation of a laser light show, including all necessary hardware and software, as well as improvement of the sound system at Grand Coulee Dam's visitor center. The purpose of the show is to enhance visitor understanding of the Grand Coulee Dam project's history and mission as well as its current utility to the region.

The RFP called for the submission of cost and technical proposals and provided that award would be made to the firm submitting the proposal which was the most advantageous to the government, considering price and technical factors. The RFP further provided that, in the evaluation of proposals, technical quality would be worth 60 percent and price would be worth 40 percent of the total evaluation point scores to be awarded. Technical quality was further divided for evaluation purposes into three equally weighted

technical factors: approach to laser/sound program, technical approach (laser and sound system), and project personnel and management.

In response to the solicitation, two firms--Aztech and Burke--submitted initial proposals. After evaluation, the agency concluded that both firms were within the competitive range for purposes of discussions. The contracting officer then conducted both written and oral discussions with each firm and, at the conclusion of these discussions, solicited best and final offers (BAFOs) from both firms. After receipt of BAFOs, the following adjusted point scores, which included price, were assigned to the proposals:

<u>Firm</u>	<u>Score</u>
Burke	99.2 (60 technical, 39.2 price)
Aztech	67.08 (27.08 technical, 40 price)

Aztech offered a price of \$753,000, and Burke offered a price of \$785,700. Award was made to Burke after the contracting officer concluded that the firm's proposal was the most advantageous to the government.

Aztech argues that the RFP's terms (award to most advantageous proposal) required the agency to make award to "the lowest responsive, responsible bidder." In this connection, the protester notes that its proposal was evaluated as being technically acceptable and that it had offered the lowest price. The protester also argues that, to the extent that matters other than price were considered in the evaluation of offers, the agency acted improperly because such matters should have been considered in the evaluation of the prospective awardee's responsibility.

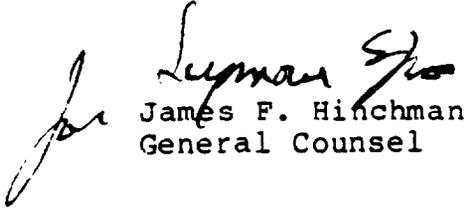
The agency responds that it was under no requirement by virtue of the solicitation's terms to make award to the lowest-priced, technically acceptable offeror. We agree.

The RFP specified that award would be made to the firm submitting the most advantageous proposal with primary consideration being given to technical merit. Our Office has consistently held that under such solicitations, agency source selection officials have broad discretion to make reasonable price/technical tradeoffs and need not award to the lowest cost offeror. See e.g., Southeastern Computer Consultants, Inc., B-229064, Jan. 19, 1988, 88-1 CPD ¶ 48.

Here, we think that the record provides ample support for the agency's price/technical tradeoff in its source

selection decision. As noted above, the Burke proposal, although slightly higher priced, was rated substantially higher technically than the proposal of Aztech, and the protester does not challenge the agency's technical rating of either proposal. Thus, the record shows that the agency made a reasonable price/technical tradeoff in selecting Burke for the award.

Accordingly, the protest is denied.

 James F. Hinchman
General Counsel