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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gregory Industries, Limited

File: B-236489

Date: November 22, 1989

DIGEST

Agency properly rejected proposal as technically unacceptable where proposal did not include sufficient information to satisfy requirement for 10 years documentable slate/concrete tile roofing experience after agency gave offeror ample opportunity to correct the deficiency.

DECISION

Gregory Industries, Limited, protests the rejection of its offer as technically unacceptable under request for proposals (RFP) No. DAAE07-89-R-Q042, issued by the Department of the Army for the installation of slate style concrete roofing tile on housing units at Selfridge Air National Guard Base, Michigan. Gregory asserts that, contrary to the agency's determination, its proposal, as supplemented, complied with the RFP requirement that offerors furnish 10 years documentable concrete tile roofing experience.

We deny the protest.

The RFP was issued June 5, 1989, and provided that the government would award the contract to the responsible offeror whose offer is the most advantageous to the government, not "necessarily . . . on the basis of price alone." Section 2.1 of the RFP provided that evaluation of proposals would consist of the following factors: (a) performance of scope of work; (b) competitive price; and (c) proven track record. With regard to proven track record, the RFP advised that offerors were to indicate previous contracts with both private industry and with government installations and that "at least ten (10) years of documentable concrete tile roofing experience is required." Six offers, including Gregory's low offer, were received by the July 10 closing date for receipt of proposals. Gregory

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did not submit any evidence of concrete tile roofing experience with its offer. The agency evaluated the proposal as susceptible of being acceptable. Consequently, by letter dated July 12, the agency requested that Gregory provide the proven track record documentation for evaluation of its proposal. On July 14, during a visit by a Gregory representative to the contracting office, the contract administrator explained to the Gregory representative that the agency required a list of jobs performed by Gregory as well as the dates, addresses, and points of contact. The contract administrator advised that this information must be provided by July 19, 1989.

In a letter dated July 17 to the agency, Gregory stated that it had completed slate tile projects for the government in the past and referred generally to several projects. This letter was considered not acceptable as documentable experience. Therefore, the agency notified Gregory by telephone on July 17 that it needed the specific information previously requested by July 19. On that same day, a Gregory representative indicated that it was having difficulty getting the required documentable proof. Finally, the agency datafaxed a letter dated July 18 to Gregory again requesting that it provide to the agency documentable experience in the form of a list of slate roofing jobs with dates and points of contact not later than 3 p.m., July 19, 1989.

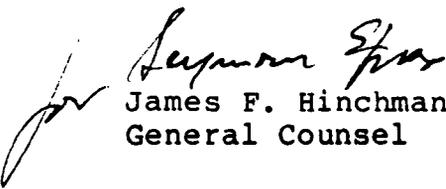
On July 19, Gregory submitted a handwritten letter asserting that it had replaced the slate roofs on buildings 303 and 304 on Selfridge Air National Guard Base and provided a point of contact. It also represented that the individual who installed the existing slate on the housing units which is the subject of the current RFP would be hired by Gregory for this project. The letter also referred to the projects mentioned in its previous letter, but again did not provide descriptions, specific addresses, dates or points of contact for the projects. The agency contacted the reference listed by Gregory for buildings 303 and 304, who informed the agency that Gregory did not replace or repair the slate roofs on buildings 303 and 304 as it had asserted. Rather, the point of contact explained that Gregory had repaired flat built-up roofs that cover the finished porches, which did not entail slate repair or replacement. On July 20, after the deadline for receipt of the requested information, Gregory sent a letter correcting errors which had appeared in the handwritten letter of July 19. Specifically, it stated that only very minor work was actually performed on buildings 303 and 304, but that slate work was performed on an adjacent police station. By letter dated July 26, the agency advised Gregory that its

offer was technically unacceptable due to the inability to provide 10 years documentable slate/concrete tile roofing experience. This protest followed.

As with any other evaluation factor, an agency's assessment of experience must be reasonable and in accord with the RFP's evaluation scheme. See AeroVironment, Inc., B-233712, Apr. 3, 1989, 89-1 CPD ¶ 343. Here, we find nothing improper in the agency's decision to reject the protester's proposal because of its failure to adequately document its slate/concrete experience.

The record is clear that the protester's initial proposal was deficient in this area and that the protester was given ample opportunities to correct the deficiency. After Gregory was notified of the specific information and format requested by the agency, the only documented experience provided by Gregory was revealed to be inaccurate and the other data provided was too general to be of value to the evaluation team. With respect to the protester's assertion that it would employ the individual who performed the prior contract on the housing units, Gregory never provided evidence that the individual agreed to be retained for this project. Under the circumstances, the Army properly rejected Gregory's proposal as technically unacceptable.

The protest is denied.


James F. Hinchman
General Counsel