



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Cherry Hill Travel Agency, Inc.

File: B-240386

Date: November 19, 1990

Mark Pestronk, Esq., Pestronk & Associates, for the protester.
Leigh Ann Holt, Esq., General Services Administration, for the agency.

Paul E. Jordan, Esq., Paul Lieberman, Esq., and John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Where solicitation for travel management services calls for award to be made to the responsible offeror whose offer conforms to the solicitation and is most advantageous to the government, in accordance with the listed technical evaluation factors, and provides for additional consideration of general and specific enhancements, the agency may properly take into account specific, albeit not expressly identified, enhancements that are logically encompassed by or related to stated evaluation criteria.

2. Where protester and awardee both meet all requirements of the solicitation, agency reasonably awarded contract for travel services to the offeror proposing the most enhancements.

DECISION

Cherry Hill Travel Agency, Inc., d/b/a Travel One, protests the award of a contract to Rosenbluth Travel Agency, Inc., under request for proposals (RFP) No. AT/TC 20090, issued by the General Services Administration (GSA) for the establishment and operation of areawide commercial travel management centers (TMC). Cherry Hill contends that it should have received a higher score for certain aspects of its proposal which, if properly scored, would have entitled the firm to the award.

We deny the protest.

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The RFP solicited proposals for TMCs for government travelers in various geographic regions of the United States. The successful offerors would provide for the arrangement of travel service for official government travel, including transportation, hotel/motel, and car rental reservations, issuance and delivery of tickets, and other services. Cherry Hill and Rosenbluth were two of the nine offerors which submitted proposals for the TMC serving Philadelphia, Pennsylvania and Delaware.

Proposals were to be evaluated on the five factors listed in the RFP: "Project Management" (including "Organization and Staffing Plan," "Quality Control Plan," "Location and Facilities," and "Implementation Plan"), and "Offeror's Qualifications" which were of equal value; followed by "Equipment Capability"; "Personnel Qualifications"; and "Rebates or Fees." Offerors were advised generally that, if offered at no cost to the government, enhancements which increased the quality of service and saved money for the government would receive additional consideration, and that enhancements which simply provided service to travelers would be considered less significant. Specific examples of enhancements also were listed under the "Project Management" subfactors as well as the other evaluation factor areas. Award was to be made to the responsible offeror whose offer conformed to the RFP and was most advantageous to the government, in accordance with the listed technical evaluation factors.

Using the above listed factors, the proposals were evaluated by a technical review panel and were scored on the basis of whether requirements were met and whether enhancements were offered. After individually scoring each proposal, the evaluators met to formulate a consensus evaluation, which became the final technical score. Both Cherry Hill and Rosenbluth received the maximum score for required items and had identical scores for the "Offerors Qualifications" factor, and the "Project Management" subfactors of "Quality Control Plan," and "Implementation Plan." Rosenbluth's total score was 12 points higher than Cherry Hill's because it offered more enhancements in the remaining factors and subfactors. Consequently, GSA awarded the contract to Rosenbluth. Upon receiving notice of award and a telephonic debriefing, Cherry Hill filed this protest.

Cherry Hill contends that it proposed more enhancements than Rosenbluth and, thus, should have received the award. Specifically, Cherry Hill argues that some of its enhancements were arbitrarily grouped under factors for scoring, thus reducing their value while Rosenbluth received individual credit for each enhancement; that it received no credit for

some of its proposed enhancements; and that it was improper to award credit for undisclosed enhancements.

The evaluation of technical proposals is primarily the responsibility of the contracting agency; the agency is responsible for defining its needs and the best method of accommodating them, and must bear the burden of any difficulties resulting from a defective evaluation. Thus, our Office will not make an independent determination of the merits of technical proposals; rather, we will examine the agency's evaluation to ensure that it was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. Information Sys. & Networks Corp., 69 Comp. Gen. 284 (1990), 90-1 CPD ¶ 203.

The record demonstrates that both offerors met all requirements of the RFP and were scored accordingly. Both also were scored on a number of enhancements offered at no cost to the government. The evaluation scheme provided for limited additional credit within particular factors for related enhancements, thus some of Cherry Hill's enhancements were "grouped," and comparable enhancements proposed by Rosenbluth also were grouped and scored on the same basis. Other enhancements received individual credit. There is no evidence of arbitrary grouping and scoring of the 13 enhancements Cherry Hill identified in its proposal. We have reviewed the evaluations of Cherry Hill and Rosenbluth and find that both offerors were evaluated on an equal and reasonable basis. The 12-point difference in their scores is attributable to Rosenbluth proposing more types of enhancements.

Four of Cherry Hill's enhancements were scored under the evaluation subfactor "Organization and Staffing." Both offerors proposed and received individual point scores for discount parking, flight insurance, luggage tags, and extended service hours, each receiving a total of 10 points for these enhancements. Rosenbluth received an additional three points, one each, for offering to be open Saturdays, various enhancements to save the government money, and various enhancements to increase service to travelers.

Three of Cherry Hill's enhancements were scored under the factor "Equipment Capability." Here, rather than each enhancement receiving an individual score, equipment enhancements for both offerors received a group score. Cherry Hill received four points for its followup software, telefacsimile service, and call distributor. Rosenbluth received four points for its telephone monitoring and waiting system, and enhanced features in its back office accounting system. Rosenbluth received one additional point for "other" enhancements including a process by which its office system could be connected to other management systems for analysis and

identification of travel patterns and other information for managing and controlling business travel costs.

Two of Cherry Hill's enhancements, one to its quality control system and one in its offer of multiple reservation systems, received individual credit in the areas of "Quality Control" and "Equipment Capability." Rosenbluth received the same credit for comparable enhancements in the same areas. With regard to two more enhancements, Cherry Hill received no additional credit for a newsletter and no credit for bulk airfares. Rosenbluth offered the same "enhancements" and, likewise, did not receive any additional credit for them. Thus, to the extent any error may have been made, Cherry Hill was not prejudiced. Dimensions Travel Co., B-224214, Jan. 13, 1987, 87-1 CPD ¶ 52.

Cherry Hill did not appear to have received enhancement credit for a graphics reporting package. Assuming for the sake of argument that the graphics reporting package represents an enhancement over and above the RFP's requirements, it appears that any extra credit would come under "other" equipment enhancements, worth only one additional point. Since Rosenbluth's proposal was scored 12 points higher than Cherry Hill's, the addition of a single point would still leave the offerors 11 points apart. Thus, we perceive no possible prejudice to the protester.

The remaining 8 points of the 12 points difference between the offerors is attributable to credit which Rosenbluth received in two other areas. Under the RFP, offerors were required to provide 24-hour toll-free phone numbers for emergency service. If offerors already provided such service, additional credit was available under the "Location and Facilities" subfactor, and both offerors received that credit. An additional three points credit was available if, as did Rosenbluth, the offeror provided the service with its own staff. Cherry Hill, whose service is provided through a subcontractor, did not receive this credit. Rosenbluth also received an additional point for an "other delivery enhancement" under this subfactor by providing emergency pick-up windows in 23 other cities and for installation of satellite ticket printers at selected sites. Cherry Hill did not receive this enhancement point.

Cherry Hill alleges that its remaining enhancement, government travel experience, received no credit. We disagree. From our review of the evaluation score sheets, it is evident that Cherry Hill received credit for its government experience both in the "Offeror's Qualifications" evaluation factor and in enhancement points under the "Personnel Qualifications" factor discussed above. Under the "Personnel Qualifications" factor, enhancement points were available for additional experience of the project manager, site manager, and reservation agents.

Rosenbluth received four more enhancement points than Cherry Hill under this factor. While both offerors received enhancement credit for the site manager's experience, Rosenbluth received two more points because its site manager had more than 5 years of recent experience in supervision and volume travel. Both offerors also received additional points for the enhanced experience of their reservation agents, but Rosenbluth received one point more than Cherry Hill for the college degrees of its agents. Rosenbluth also received one additional point for its immigration coordinator.

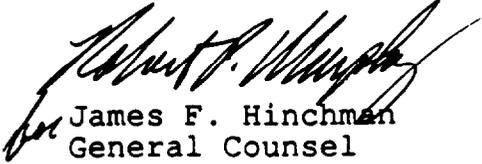
Cherry Hill challenges some of the additional points awarded to Rosenbluth, contending that the factors for which the points were awarded were not disclosed in the RFP. Cherry Hill is correct that the enhancement credit to Rosenbluth for using its own staff for its 24-hour toll-free phone service and the additional credit for its site manager were not specifically set forth as RFP requirements; nonetheless, we think they were properly considered. In making an award decision, the agency may properly take into account specific, albeit not expressly identified, matters that are logically encompassed by or related to the stated evaluation criteria. Litton Sys., Inc., B-237596.3, Aug. 8, 1990, 90-2 CPD ¶ 115. Here the agency's consideration of these enhancements for additional points was directly encompassed by and related to the "Location and Facilities" subfactor and the "Personnel Qualification" factor.

Reading the RFP as a whole reveals that the agency intended to make an award on more than the basis of technical acceptability. While the solicitation could have been more explicit in informing offerors about which specific enhancements would result in evaluation credit, it clearly advised offerors that enhancements which increased the quality of service and saved money for the government would receive additional consideration. In the "Personnel Qualifications" factor, the RFP advised that points would be awarded by assessing the adequacy of the staffing and experience of the personnel. More specifically, it advised that successful experience with government accounts would be considered favorably. Thus, GSA's decision to award additional points for experience, including general, non-government experience, was reasonable.

Similarly, with regard to the "Location and Facilities" subfactor, while the RFP did not specifically advise that in-house operation of the toll-free service would be considered an enhancement, and allowed use of subcontractors for the service, awarding points for such an enhancement is logically encompassed by the subfactor. In this regard, Cherry Hill argues that credit for in-house staffing is not rational. GSA explains that it viewed in-house staffing as an enhancement because of the direct accountability of the

contractor for provision of the service and the corresponding ability to timely resolve contract administration matters, a rationale which reasonably supports the award of enhancement points.

Accordingly, the protest is denied.



James F. Hinchman
General Counsel