



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: ImageMatrix, Inc.
File: B-243367
Date: July 16, 1991

Michael Eggleston and Karen S. Kinder for the protester. Vera Moreland, Department of Agriculture, for the agency. Christina Sklarew, Esq., Andrew T. Pogany, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Proposal for production art services was properly excluded from the competitive range where technical evaluation involving subjective review of art samples was reasonable and consistent with evaluation criteria established in the solicitation, and contracting agency determined that the proposal did not have a reasonable chance of being selected for award.

DECISION

ImageMatrix, Inc. protests the Department of Agriculture's exclusion of its proposal from the competitive range under request for proposals (RFP) No. 00-90-R-4, issued for production art services. ImageMatrix contends that its proposal was improperly evaluated. We deny the protest.

The solicitation, issued on November 21, 1990, contemplated the award of a firm, fixed-price requirements contract for 1 base year and 4 option years. The RFP provided that the government would award the contract to the responsible offeror whose proposal was most advantageous to the government, cost or price and other factors considered. The RFP required offerors to submit separate technical and cost proposals and provided that only those offers that were found technically acceptable would be evaluated for price. The RFP emphasized that the technical evaluation was to be based solely on the information furnished in the technical proposals and not on any previous knowledge or associations. Offerors were also requested to submit samples of their work. The solicitation listed the technical evaluation criteria, in descending order of importance, as: (1) samples; (2) company and individual staff experience; and (3) understanding of the work to be performed.

The agency received 10 proposals, including ImageMatrix's. A three-person technical evaluation panel reviewed the technical proposals and concluded that only three of the firms possessed the technical skill, training, and organization to adequately service the agency's needs. The contracting officer reviewed the panel's report and determined to include six firms in the competitive range. ImageMatrix's proposal was among the four that were excluded. The contracting officer advised ImageMatrix by letter that its proposal was found technically unacceptable because: (1) the samples were considered to be of relatively poor quality; (2) the references the firm had submitted did not indicate any experience in mechanical art for publications, nor was there evidence that the firm had the requisite 5 years of experience; and (3) the proposal did not adequately demonstrate an understanding of the work or grid systems as required in the RFP. This protest followed.

ImageMatrix contends that its proposal was unfairly evaluated and alleges that many of the comments made by the technical evaluation panel were inaccurate and did not reflect the quality of its work.

The evaluation panel found a number of technical deficiencies in several of the samples ImageMatrix had submitted, such as blurring or "fuzzy edges" on illustrations, the use of all upper-case lettering which was considered unattractive, the use of heavy type that made one sample difficult to read, and the use of a computer-generated image that was considered inappropriate because it was not compatible with the surrounding type.

The protester complains that some of the criticism is directed against the underlying design of the materials submitted (such as the criticism of spacing or typeface, which in these particular instances, the protester states were selected by the client), and not the firm's technical involvement in producing the samples. The protester points out that the RFP contemplated the award of a production contract, not a design contract. ImageMatrix argues that the samples were not intended to demonstrate the firm's ability to design a finished product or choose typeface, but to show the firm's ability to execute a project designed and directed by the client.

In response, the agency states that the samples submitted revealed an overall lack of attention to detail and a willingness to accept design decisions that might have been improved had ImageMatrix suggested a better approach to the client. Our review of the samples and the record supports the agency's position.

An offeror in a negotiated procurement must demonstrate within the four corners of its proposal that it is capable of performing the work upon terms most advantageous to the government. See William B. Hackett & Assocs., Inc., B-232799, Jan. 18, 1989, 89-1 CPD ¶ 46. The agency here was required to base its evaluation solely on the materials submitted in the proposals. Offerors were expected to direct their samples and proposals to the agency's specific needs as reflected in the requirements of the RFP. To the extent the protester is complaining that the agency improperly evaluated the samples because it did not focus on the technical/production capabilities they were intended to reveal, we note that a major criticism throughout the evaluation was that the samples did not demonstrate the protester's ability to produce mechanical art for publications. The record shows that because the vast majority of the pieces submitted were finished, printed samples rather than originals, the agency could not review such technical matters as the quality of inking, pasteup, or size of printed lettering. Thus, it was the protester's choice of samples, without explanatory comments, and its failure to include more camera-ready originals among its samples, that led to the agency's adverse conclusions. We think that the protester should have been more selective in its submission of samples; it was not required to submit samples that had blurred logos nor was it required to submit ones (non-originals) that did not represent the type of work to be performed under the contract. The evaluation of sample artwork is by its nature an extremely subjective exercise, and the fact that a protester may disagree with the agency's judgment does not invalidate it. See Art Servs. and Publications, Inc., B-206523, June 16, 1982, 82-1 CPD ¶ 595. Given the materials that were submitted, we believe the agency has shown that its evaluation was reasonable.

For the second most important evaluation criterion, company and individual staff experience, offerors were required to describe the previous 3 years of experience and effectiveness of the firm with similar or related work, and to demonstrate the firm's current capability to provide the services offered. The statement of work specified a requirement for 5 years of recent experience in production/graphic art services, and required references from persons or firms for whom the contractor had worked during the past 2 years. When the evaluation panel reviewed ImageMatrix's proposal, it found no indication that the firm had the requisite 5 years of experience. When it contacted three of the references ImageMatrix had provided, it found that none of those clients had used the firm for the type of work that would be required under this contract, mechanical art for publications. In addition to reinforcing the panel's doubts about ImageMatrix's abilities and experience in this type of work, the references

that were contacted expressed some dissatisfaction with the firm's work.

The protester argues that it submitted the names of all of the clients it had over the past 2 years and did not select particular ones to demonstrate its experience with mechanical art. The short answer, in our view, is that the agency is not required to discount negative references that the offeror itself provided, nor is it required to ignore the fact that the firm failed to show in its proposal that it met the experience requirements of the RFP.

For the final evaluation criterion, offerors were required to demonstrate an understanding of the work to be performed, and were specifically required to include a brief statement about the role of graphics production in the field of graphic arts and a statement indicating an understanding of typographic grid systems. The evaluation panel found that ImageMatrix had not adequately demonstrated the required depth of understanding. In our review of the proposal, we found only one sentence addressing the matter of grid systems, stating that the firm's "computer graphics publications specialists will arrange typographic elements on the appropriate grid as specified on USDA-provided roughs." Although ImageMatrix argues that it has extensive experience using grid systems and possesses more than the level of understanding required by the RFP, we find that the agency could reasonably conclude that the information included in the protester's proposal did not demonstrate the requisite level of understanding in this area.

We find that the agency had a reasonable basis for finding the deficiencies cited under each of the evaluation factors. We also find that it was reasonable for the agency to conclude that the proposal had no reasonable chance of receiving the award without major revisions, and conclude that the decision to exclude the proposal from the competitive range was proper. See, e.g., Fairchild Weston Sys., Inc., B-218470, July 11, 1985, 85-2 CPD ¶ 39.

The protest is denied.


for James F. Hinchman
General Counsel