



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Creative Investment Research

File: B-255287

Date: February 7, 1994

William M. Cunningham for the protester.
Kenneth A. Lechter, Esq., Department of Commerce, for the agency.
Barbara C. Coles, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly excluded the protester's quote from the competitive range under a small purchase acquisition for the preparation of financial analysis training materials and the planning of a 1-day seminar after reasonably concluding that the proposal was technically unacceptable where the protester's quote failed to discuss the firm's conference planning experience, provided no description of the firm's specific experience with local and regional financial institutions and regulatory agencies, and failed to include a detailed training curriculum.

DECISION

Creative Investment Research protests the exclusion of its quote from the competitive range under a request for quotations (RFQ) issued by the Department of Commerce for services in connection with the preparation of financial training curricula in conjunction with planning a financial analysis training seminar. Creative alleges that the agency unreasonably determined that its quote was technically unacceptable.

We deny the protest.

The RFQ was issued on August 10, 1993, as a small business, small purchase set-aside to develop and implement financial analysis training for personnel in the Minority Business Development Center (MBDC) network. This training was intended to improve "the relations between commercial financial institutions, the business communities of the institution's depository area and the MBDCs, as well as the preparation of [loan applications and other documents]," in accordance with institutional and regulatory requirements.

The RFQ's statement of work required the contractor to: (1) develop a financial training curriculum for a 1-day seminar, (2) include local and/or regional bank and regulatory personnel as presenters at the seminar, (3) handle logistical details associated with hosting the seminar, and (4) develop a 1-page evaluation form for seminar attendees.

The RFQ listed firm capability, staff capability, and contract management as the three evaluation areas, with each having separate technical subfactors. Two of the subfactors under the firm capability area advised that the agency would evaluate each offeror's conference planning experience and its knowledge of, and experience working with, local and regional financial institutions and appropriate regulatory agencies.

The agency received eight quotes in response to the RFQ, with Creative submitting the fifth low quote at \$15,000. After its initial evaluation, the agency determined that five offerors, including Creative, submitted technically unacceptable quotes. In concluding that Creative's proposal--which received 33 of 100 available points--was technically unacceptable, the agency stated that the proposal failed to indicate the company's conference planning experience, as well as whether it had specific expertise in regulatory issues which impact on lending to small firms. Creative's protest to our Office followed.

Creative contends that the agency's evaluation of its proposal was improper, because contrary to the agency's conclusion, it has specific expertise in regulatory issues related to lending to small firms. Creative points out that its owner, a former finance instructor at the university level, has prepared several studies examining small and minority business lending issues.

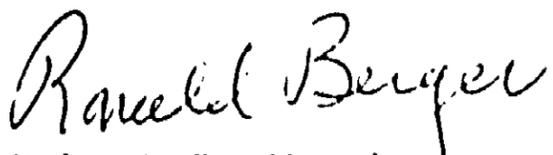
When an agency uses small purchase procedures, the procurement is exempt from the "full and open" competition requirements of the Competition in Contracting Act of 1984, 41 U.S.C. § 253(a)(1)(A) (1988). For small purchases, a contracting officer need only solicit quotations from a reasonable number of potential sources, judge the advantages and disadvantages of each quotation in relation to the prices quoted, and determine in good faith which quotation will best meet the needs of the government. Tahoma Companies, Inc., B-253371, Sept. 14, 1993, 93-2 CPD ¶ 162. While the requirement for full and open competition does not apply, the agency must still conduct the procurement consistent with a concern for fair and equitable competition, and must evaluate quotations in accordance with the terms of the solicitation. Brennan Assocs., Inc., B-231859, Sept. 28, 1988, 88-2 CPD ¶ 295. In reviewing

protests against allegedly improper evaluations, we will examine the record to determine whether the agency met this standard and reasonably exercised its discretion. Ronald S. Yacisin, B-245803, Nov. 20, 1991, 91-2 CPD ¶ 486. Based on our review of the record, we think that the agency's evaluation was consistent with the terms of the RFQ, and that it reasonably concluded that Creative's quote was technically unacceptable.

The agency's evaluation documents indicate that Creative's quote was deficient in each of the three evaluation areas. With regard to the firm capability area, the record shows that Creative's quote did not discuss the firm's conference planning experience even though the RFQ advised offerors to include this information in their quotes. Likewise, with regard to the staff capability area, Creative's quote did not provide specific information detailing its experience working with local and regional financial institutions and regulatory agencies, as required by the RFQ. Rather, the quote only referenced the general experience of Creative's owner. While the protester argues that it conducted a study of small minority business lending in Prince George's County, Maryland, and that this study allegedly provided the framework for remedial legislation, neither the study nor any other information in the protester's quote describes experience obtained working with local and regional financial institutions and regulatory agencies. As a result, we find reasonable the agency's decision to downgrade Creative's quote in these two areas.

With respect to the third evaluation area, contract management, the record shows, and the protester does not refute, that Creative's proposed training curriculum, in essence, parroted the RFQ and did not demonstrate that the proposed seminar would satisfy the agency's goal of assisting minority business development. Given these deficiencies in Creative's proposal--i.e., the absence of information demonstrating conference planning experience; the lack of specific experience working with local and regional financial institutions; and the inclusion of a proposed training curriculum which was too general in nature--we think that the agency reasonably rejected Creative's quote as technically unacceptable.

The protest is denied.

for 
 Robert P. Murphy
 Acting General Counsel