



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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B-175127 (1)

September 6, 1973

Mailing List Systems, Ltd.  
Suite 325  
4600 Duke Street  
Alexandria, Virginia 22304

Attention: Mr. A. J. Kiedel, President

Gentlemen:

We refer to your letter dated July 6, 1973, protesting against the award of a contract for the performance of data processing, mailing and other related services, to Data-Mail, Incorporated (Data-Mail), under solicitation No. 450, issued by the National Gallery of Art. Basically, you assert that the Mailing List Systems, Ltd. (MSL) bid was improperly evaluated under the bid evaluation system set forth in the invitation for bids (IFB). As explained below, we disagree.

The pertinent portions of the IFB follow:

"2. DESCRIPTION OF SERVICES AND PRICES

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- "A. Conversion to Contractor's automated system (the successful bidder will be furnished by the Government a magnetic tape covering all current listings as of July 1, 1973.)
  - Calendar of Events/exhibition invitations list per addressee ea. \_\_\_\_\_
- "B. Maintaining the List
  - Additions ea. \_\_\_\_\_
  - Deletions ea. \_\_\_\_\_
  - Changes ea. \_\_\_\_\_
  - Monthly listing of Changes, Deletions and Additions listing per 1,000 \_\_\_\_\_
- "C. Printing Labels and Producing Reports
  - Printing of labels ea. \_\_\_\_\_
  - Carbon copies of labels ea. \_\_\_\_\_

[Handwritten notes and signatures]

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"D. Mailing Services

- Affixing of labels 02
- Insertion of up to two pieces of mail. 02
- Insertion of additional pieces 02
- Sorting, tying, bagging, and mailing 02
- Pick up from or deliver to National Gallery of Art of input or materials to be mailed trip

"3. EVALUATION OF BIDS

Award will be made in the aggregate with the following weights applied to the unit prices bid for items A through D as listed in paragraph 2 above:

<u>Item</u>	<u>Bid Evaluation Weight</u>
"A. Conversion to Contractor's System . . . . .	20,000
"B. Additions . . . . .	8,000
Deletions . . . . .	5,000
Changes . . . . .	600
Monthly listing of changes, deletions and additions . . . . .	163.2
"C. Printing of labels . . . . .	240,000
Carbon copies of labels . . . . .	140,000
"D. Affixing of labels . . . . .	380,000
Insertion of up to two pieces of mail . . . . .	140,000
Insertion of additional pieces . . . . .	40,000
Sorting, tying, bagging, and mailing . . . . .	380,000
Pick up from or delivery to National Gallery . . . . .	7"

The National Gallery of Art multiplied your \$150.00 unit bid price for "Listing per 1,000" by the bid evaluation weight factor of 163.2, which resulted in a weighted bid of \$24,480.00 for that item. When added to the total of weighted bids on all other items (\$5,228.00), your aggregate bid was \$29,708.00. Data-Mail submitted a unit bid price of \$20.00 for "Listing per 1,000" on the "Monthly Listing of Changes, Deletions and Additions" item, which resulted in a weighted bid of \$3,264.00 for that item. When this amount was added to Data-Mail's

B-179127

total of weighted bid prices on all other items (\$5,307.50), Data-Mail's aggregate bid was found to be \$8,571.50. Therefore, Data-Mail was awarded the contract.

You contend that since the IFB stated that the bid evaluation weights would be "applied to the unit prices bid", and since the price of the "Monthly listing of Changes, Deletions and Conditions" was required to be given in terms of a "listing per 1,000", the bid evaluation weight (163.2) should have been multiplied, in your case, by \$ .15 (\$150.00 divided by 1,000) and in Data-Mail's case, by \$ .02 (\$20.00 divided by 1,000). Had the bids been evaluated in that manner your bid and Data-Mail's bid for that item, would have been \$24.48 and \$3.26, respectively. When added to the total of the weighted bids for all other items; the aggregate weighted bids would have been as follows:

	<u>Total of Weighted Bids for all other Items</u>		<u>Weighted Bid for monthly list of changes, etc.</u>	<u>Aggregate Bid</u>
Data-Mail	\$5,307.50	+	\$ 3.26	= \$5,310.76
MISL	\$5,228.00	+	\$24.48	= \$5,252.48

You assert that since the above method of evaluation should have been utilized, MISL submitted the low aggregate bid and was entitled to the award.

We believe that the IFB makes it clear that the price sought for this item for evaluation purposes was a unit price based upon furnishing a monthly listing of a composite 1,000 changes, deletions and additions, and not a price for each individual change, deletion and addition. The blanks set forth in the IFB immediately above the item in question already provided for prices for each individual change, addition and deletion.

In this connection we note that the sum of the evaluation weights listed for individual changes, additions and deletions is 13,600 (8,000 plus 5,000 plus 600). As stated in the administrative report, the Bid Evaluation Weight for the monthly listing of changes, deletions and additions logically should have equaled the sum of the evaluation weights listed for these individual items divided by 1,000 or 13.6, rather than 163.2. It is further reported, however, that before the award was made, the bids were also evaluated using an evaluation weight of 13.6 for the monthly listing requirement and that this evaluation did not displace Data-Mail, Incorporated, as the low bidder.

B-179127

Under the circumstances, we find no basis to disturb the award. Your protest is therefore denied. However, we are recommending to the Administrator, National Gallery of Art, by letter of today (copy enclosed) that adequate procedures be instituted to insure that accurate bid evaluation factors will be used in future procurements.

Sincerely yours,

Paul G. Dembling

For the Comptroller General  
of the United States