

DECISION



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

FILE: B-186614

DATE: September 10, 1976

MATTER OF: Augmentation, Inc.

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DIGEST:

Inclusion of home office support and prior medical service experience as areas to be evaluated in negotiated procurement for on-site medical services through operation of health facilities is proper and within agency discretion and does not unduly restrict competition.

Augmentation, Incorporation (AI) protests the allegedly restrictive nature of request for proposals (RFP) No. W-10-17690-JHC-2, issued by the National Aeronautics and Space Administration (NASA). The RFP solicited offers for services necessary to conduct a program of occupational medicine through operation of the NASA Headquarters Health Clinic and Stress Laboratory (Physical Fitness Facility).

The protester's principal contention is that NASA is unduly limiting competition by insisting upon unnecessary requirements, thereby precluding or discouraging many private sector firms from competing for award. AI identifies three RFP requirements which it regards as unnecessary and "collateral" to the main purpose of the RFP. They required offerors to (1) indicate their proposed Medical Director's tenure with the company; (2) indicate the "home office potential to provide professional supervision and leadership to assure satisfactory performance"; and (3) specify recent contracts requiring performance in the medical service area.

NASA agrees with AI's first objection and has deleted the requirement to indicate tenure with the company. However, NASA insists that the remaining requirements are reasonable.

AI objects to the "home office potential * * *" requirement on the grounds that it does not provide an incentive for an offeror to propose highly qualified personnel who can operate on-site with minimal supervision and that it discriminates against it and other companies new to the field of occupational medicine and favors one particular company. NASA points out, however,

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that the RFP evaluation criteria established the qualifications of prospective personnel as the most heavily weighted Mission Suitability area and management and organization (which included the "home office support" requirement) as the least important Mission Suitability area, so that it was clear that personnel qualifications were of prime importance to NASA. NASA further points out that under the RFP, offerors were to show both the degree and manner of technical support for on-site staff and the home office potential to provide supervision and leadership to the on-site staff. According to NASA, professional "supervision and leadership" refers to a corporation's ability to provide management and administrative assistance in areas such as recruiting and subcontracting, and does not suggest that the medical director would not be exercising daily supervision over the staff or that a medical doctor would be required in the home office to provide this type of assistance.

AI's objection to evaluation of past performance in the occupational medicine field is based on its assertion that few companies have such experience in the "relatively new" field of occupational medicine, and that what NASA should be evaluating--a company's resourcefulness, resiliency, and ingenuity--is not dependent upon prior experience in the medical field. In this regard, AI suggests that experience derived from providing janitorial or guard services should be considered along with any experience in providing medical services. On the other hand, NASA states that (1) occupational medicine is not new and that it has been contracting for medical services since 1958, (2) it believes that knowledge of offerors' prior experience in the medical field would assist the Source Selection Official in selecting the best overall offeror while knowledge "that a contractor has been a satisfactory performer in janitorial services, guard services, or some other unrelated area would not serve as an indicator of how it might perform in a medical service area," and (3) prior medical service experience was not an RFP requirement, but was only one of several evaluation subfactors in which it was possible to obtain a low rating and still remain competitive.

We find no merit to the protest. We think that both home office support available to the medical director and his staff and an offeror's prior experience in the medical service field are matters with which an agency may properly concern itself in evaluating proposals to furnish the required medical services.

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Although AI obviously believes proposals should not be evaluated on these bases, it is well settled that a determination of an agency's minimum needs and the selection and weights of evaluation criteria to be used to measure how well offerors will meet those needs are within the broad discretion entrusted to agency procurement officials. See, e.g., 53 Comp. Gen. 771 (1974), 74-1 CPD 193; BDM Services Company, B-180245, May 9, 1974, 74-1 CPD 237; 40 Comp. Gen. 295 (1960). In light of NASA's statements and our review of the entire record, we see no basis for concluding that NASA abused that discretion in this case, since the evaluation criteria appear to be neither unduly restrictive nor otherwise inappropriate for this procurement.

In view of the foregoing, the protest is denied.

Acting

R. F. Killen
Comptroller General
of the United States