



United States General Accounting Office
Washington, DC 20548

Decision

Matter of: The Project Management Group, Inc.

File: B-284455

Date: April 14, 2000

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DIGEST

Evaluation of offeror's corporate experience which gives firm only limited credit for experience of its key personnel with other entities is unobjectionable where evaluation was performed in accordance with stated evaluation criteria and reflects a reasonable assessment of offeror's experience.

DECISION

The Project Management Group, Inc. (PMG) protests the award of a contract to RS Staffing, Inc. under request for proposals (RFP) No. 766-9-99, issued as a total small business set-aside by the Department of Veterans Affairs (VA) for the provision of pharmacy technicians and mail/packaging support for a VA outpatient pharmacy in Charleston, South Carolina. PMG contends that the award was improper because the agency improperly downgraded PMG for its lack of corporate experience.

We deny the protest.

The RFP, issued on November 1, 1999 as a commercial acquisition under the special procedures in Part 12 of the Federal Acquisition Regulation, contemplated the award of a 1-year contract with two 1-year renewal options to the responsible offeror whose conforming offer was most advantageous to the government. RFP at 3, 17. The RFP listed the following four technical evaluation factors, indicating that when combined, their weight would be equal to that of price in the overall evaluation: corporate experience and demonstrated capabilities; personnel qualifications;

technical approach to the statement of work; and past performance. RFP at 17. It also cautioned that the offeror that submitted the lowest price would not necessarily be awarded the contract. RFP at 18.

With respect to corporate experience and demonstrated capabilities, the RFP stated as follows:

Proposals will be considered only from offerors who are regularly established in the business called for and who are financially responsible and have the necessary personnel to furnish services in the volume required for items under this contract. Those offerors having at least two years experience with similar type contracts (with references) will receive full points. Those offerors with less than two years experience will receive a lesser amount in proportion to their experience.

RFP at 17.

With respect to past performance, the RFP provided that the evaluation would be performed on the basis of “[s]imilar contracts held by the contractor with government and industry in the previous 12 months, to include references.” Id.

Eleven small business concerns, including PMG, submitted proposals by the December 1 closing date. An evaluation panel reviewed and scored the proposals, using a 100-point scale under which 49 points were allocated to the technical evaluation and 51 points to price. The technical evaluation factors were weighted as follows: corporate experience and demonstrated capabilities, 17 points; personnel qualifications, 10 points; technical approach, 17 points; and past performance, 5 points. Agency Report, Tab D, Evaluation Documents, at 1-6.

PMG describes itself in its proposal as “a project management firm that employs for the duration of a project,” and states that it has one full-time employee and three part-time employees. PMG Proposal at 11. It states that “[a]n experienced team consisting of a health care administrator and a registered pharmacist, each with over 20 years of experience in their chosen fields will provide project oversight.” Id. at 10. The proposal provides that “the majority of the principals’ experience occurred while performing military duty, and the points-of-contact, though provided, are not currently with the organization.” Id. at 11. The proposal states that PMG was formed in October 1997, id., app. C at 1, and does not specifically identify any contracts that the firm has performed.

PMG’s technical proposal was ranked 10th of the 11, and received a point score of 23.66. Because PMG’s price of \$3,723,287.26 for the base year and all options was the lowest offered, it received the highest possible point score of 51 points. The two scores combined produced an overall score of 74.66, which placed it 5th among the 11 offers. RS Staffing had the highest rated technical proposal with the second low

price of \$3,916,915.29 (which received a score of 48.45), resulting in the highest overall score of 96.45 points, and was selected for award. Agency Report, Tab F, Abstract of Offers, at 1. Upon notice of the award, PMG requested and received a debriefing, and this protest followed.

PMG first protests that the solicitation limits competition and is restrictive based on the past performance evaluation factor requirement for similar contracts held by the contractor with the government and industry in the previous 12 months. This allegation that the terms of the solicitation itself are unduly restrictive of competition--e.g., because small emerging businesses are unable to meet the requirement for experience within the previous 12 months, Protest at 1--is untimely.¹ Under our Bid Protest Regulations, protests based upon alleged improprieties in a solicitation which are apparent prior to the time set for receipt of initial proposals must be filed prior to that time. 4 C.F.R. § 21.2(a)(1) (1999); Envirodyne Sys. Inc., B-279551, B-279551.2, June 29, 1998, 98-1 CPD ¶ 174 at 3.

PMG next asserts that its proposal “represented over 20 years of medical administration experience, over 20 years government pharmacy experience, and over 6 years experience with government contracts,” Protest at 2, and complains that its corporate experience was improperly downgraded because the VA should have given PMG’s proposal credit for the experience of PMG’s key personnel.

In reviewing an agency’s evaluation of proposals, our Office will question the evaluation only where it violates a procurement statute or regulation or if it lacks a reasonable basis or is inconsistent with the stated evaluation criteria for award. B. Diaz Sanitation, Inc., B-283827, B-283828, Dec. 27, 1999, 99-2 CPD ¶ 4 at 6. A protester’s mere disagreement with the agency over its technical evaluation does not establish that the evaluation was unreasonable. Id.; Cubic Applications, Inc., B-274768 et al., Jan. 2, 1997, 97-1 CPD ¶ 98 at 3. Here, we see no basis to question the agency’s evaluation.

There is no inconsistency between the evaluation factors as they were set forth in the RFP and as they were applied during the evaluation. In particular, under the corporate experience factor, the RFP provided that offerors having at least 2 years experience with similar contracts would receive full points, whereas offerors with

¹ To the extent that PMG’s protest is directed against the application of the past performance evaluation factor, the agency points out that even if PMG’s proposal had received the maximum number of points available for this factor (5), its overall score would still have ranked a relatively distant fourth. Our Office will not sustain a protest unless the protester demonstrates a reasonable possibility that it was prejudiced by the agency’s actions, that is, unless the protester demonstrates that, but for the agency’s actions, it would have had a substantial chance of receiving the award. McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3.

less than this amount of experience would receive a lesser number of points in proportion to their experience. RFP at 17. PMG's proposal, which listed no experience with this type of contract, received between 6 and 8 points (out of 17 possible points) for this factor from each of the evaluators. Agency Report, Tab D, Evaluation Documents, at 1-6. Essentially, PMG takes the position that it was entitled to a higher score under this factor because the agency was required to credit the firm's proposal for the experience listed for its key personnel. Although an agency properly may consider the experience of supervisory personnel in evaluating the experience of a new business, Technical Resources, Inc., B-253506, Sept. 16, 1993, 93-2 CPD ¶ 176 at 5, there is no legal requirement that an agency attribute employee experience to the contractor as an entity. Hard Bodies, Inc., B-279543, June 23, 1998, 98-1 CPD ¶ 172 at 4. Here, PMG listed no corporate experience at all, yet the evaluators gave its proposal 6-8 points (on a 17-point scale) under this technical evaluation factor. The somewhat sparse evaluation record notes "some healthcare reference," and refers to PMG's lack of experience with this type of service. Agency Report, Tab D, Evaluation Documents, at 1. In light of the fact that PMG in fact listed no specific experience as a corporate entity in its proposal, it appears that the points actually reflect some credit for the individual experience of personnel listed in the proposal. In these circumstances, the agency acted within its discretion in the evaluation of PMG's corporate experience since there is no requirement that the proposal be given such credit for the described experience of PMG's employees with other entities.

In sum, there is no basis to conclude that the agency's evaluation of PMG's corporate experience was unsupported, inconsistent with the RFP, or otherwise unreasonable.

The protest is denied.

Comptroller General
of the United States