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Comptroller General
of the United States

United States General Accounting Office
Washington, DC 20548

Decision

Matter of: Godwin Corporation

File: B-290291

Date: June 17, 2002

M.D. Crowe for the protester.

Maj. Robert W. Clark, and Col. Michael R. Neds, Department of the Army, for the agency.

Linda S. Lebowitz, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably evaluated offers in accordance with the terms of the solicitation and reasonably selected for award the firm submitting the higher technically rated, lower-priced offer.

DECISION

Godwin Corporation protests the award of a contract to RLM Services, Inc. under request for quotations (RFQ) No. DADA08-01-T-0511, issued by the Department of the Army for emergency room physician services at Martin Army Community Hospital, Fort Benning, Georgia. Godwin challenges the agency's evaluation of offers and the award to a higher technically rated, lower-priced firm.

We deny the protest.

The RFQ, issued as a total small business set-aside on November 29, 2001, contemplated the award of a fixed-price contract for the base period and four 1-year option periods to the responsible firm whose offer¹ was determined most advantageous to the government considering price and the following technical

¹ We note that the RFQ uses the term "offer," as opposed to "quotation," and the record refers to a contract being awarded based on the winning offer. In this decision, for purposes of consistency with the record, we use that terminology as well.

evaluation factors: (1) present and past performance, (2) experience, (3) management capability, and (4) recruitment and retention. The RFQ stated that all technical evaluation factors, when combined, would be considered slightly less important than price. As relevant here, the RFQ described the present and past performance evaluation factor as including "recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information)." RFQ at 42.

Six firms, including Godwin and RLM, submitted offers by the closing time on December 31. Godwin, which was currently providing emergency room physician services at DeWitt Army Community Hospital at Fort Belvoir, Virginia, submitted an offer containing a 1-page cover letter, a 2-page chart showing present and past performance information, and pricing information which included, among other items, a description of employee pay and benefits. In contrast, RLM, which teamed with RGB Group, Inc. for this procurement,² submitted present and past performance information for itself and for RGB as individual entities and for the two firms when teamed together for the performance of other medical services contracts. RLM also submitted several written performance reviews. As an example, one reference for a contract for the provision of various medical services at Fort Meade, Maryland, where RLM and RGB performed as a team, stated that RLM was "an excellent health professional employment agency. [Its] staff and management personnel [were] excellent and responsive. Messages [were] quickly returned and key personnel [were] knowledgeable and helpful. I wouldn't hesitate to recommend this company for future contracts." AR, Tab 6, RLM Offer, Management Quality Assessment, Contract at Fort Meade, Maryland. In addition, RLM submitted a detailed management approach plan, which included, among other items, 11 pages describing its approach for recruitment and retention of personnel.

The agency rated Godwin's technical offer as overall "good." In this respect, the agency recognized that Godwin had over 30 years of experience, including 14 current contracts involving the provision of emergency room physician services, as well as various other types of physician and medical services (e.g., pediatricians, dentists, nurses, and physical therapists). The agency concluded that because Godwin had diverse experience in providing medical services to the government, the firm would know how to handle phase-in and start-up issues in order to successfully perform the contract. The agency believed that Godwin's overall long-term contracting history reflected good managerial expertise and that its financial plan and the labor-based salary determinations, including pay and fringe benefits, were sound and thorough. The agency was concerned, however, that Godwin failed to provide in its offer any detail regarding its approach to the recruitment and retention of personnel. Finally,

² In its offer, RLM stated that "[f]or the purpose of this [offer, it would] stand for the [RLM/RGB] team," i.e., as the prime contractor. Agency Report (AR), Tab 6, RLM Offer, Approach to Services, at 1.

the agency noted that Godwin did not include in its offer any past performance information, such as customer satisfaction reports, to support its record of performance.

In contrast, the agency rated RLM's technical offer as overall "excellent." More specifically, the agency concluded that RLM demonstrated in its offer its understanding of the solicitation requirements. The agency recognized that RLM, as a newly formed corporate entity, had been awarded four contracts for nursing and dental assistance services, but did not have any experience of its own in providing emergency room physicians. Nevertheless, since RLM was teamed with RGB for this procurement (and the two firms had teamed together in the past), the agency considered RGB's numerous contracts for the provision of physician services to the government and concluded that RLM and RGB, both as individual entities and as team members on other contracts, had experience in successfully providing a wide variety of medical professional personnel to the government, including physicians (e.g., pediatricians, internists, and dermatologists), pharmacists, nurses, and dentists. The agency believed that RLM, as the prime contractor, demonstrated in its offer its understanding of credentialing and hiring processes and the necessity for delivering quality services. The agency noted that RLM provided detailed policies and examples of processes in place to meet the solicitation requirements; that RLM provided an excellent quality management plan and a detailed, 11-page recruitment and retention approach; and that RLM submitted several highly favorable performance reviews. Based on the contents of RLM's offer, the agency concluded that RLM, with RGB as its teaming partner, could successfully perform the RFQ requirements.

Considering RLM's overall "excellent," versus Godwin's overall "good," technical rating, as well as the fact that RLM's price was slightly lower (by approximately 1 percent) than Godwin's price, the contracting officer determined to award a contract to RLM, the higher technically rated, lower-priced firm.

Godwin challenges the evaluation of offers and the agency's decision to select a higher technically rated, lower-priced offer.

We review an agency's evaluation of offers to ensure that it is fair, reasonable, and consistent with the evaluation criteria stated in the solicitation and with procurement statutes and regulations. Power Connector, Inc., B-286875, B-286875.2, Feb. 14, 2001, 2001 CPD ¶ 39 at 3.

Godwin, whose offer was downgraded because the firm did not address its approach for recruitment and retention of personnel, complains that the agency failed to consult with contracting officials on its other contracts in order to verify its

recruitment and retention capabilities.³ It was Godwin's responsibility to demonstrate in its offer how it intended to recruit and retain personnel; it was not the agency's obligation during the evaluation process to fill in the gaps in Godwin's offer by consulting the firm's references. Since Godwin had the burden of submitting an adequately written offer, yet failed to do so, we have no basis to question the reasonableness of the agency's evaluation of Godwin's offer for recruitment and retention of personnel. Specialty Elevator Co., Inc., B-271899, Aug. 28, 1996, 96-2 CPD ¶ 89 at 4.

Godwin next complains that RLM, which does not have any experience of its own in providing emergency room physician services, was unreasonably credited with the similar physician services experience of its team member, RGB.⁴ We disagree.

In this regard, an agency may reasonably attribute to an offeror the performance of firms that are members of the offeror's proposed team where the team members are to be involved in the contract effort. Wackenhut Servs., Inc., B-276012.2, Sept. 1, 1998, 98-2 CPD ¶ 75 at 6. As discussed above, the agency recognized that RLM did not have its own experience in providing emergency room physician services. However, to perform this contract, RLM teamed with RGB, which did have experience similar to that required by the RFQ, that is, experience in providing physicians and other medical personnel to the government. Since the RFQ did not prohibit teaming arrangements, we believe the agency reasonably determined to evaluate and credit RLM with the similar experience of RGB, RLM's team member for performance of the RFQ requirements. Other than expressing disagreement with this aspect of the agency's evaluation, Godwin has provided no meaningful basis for our Office to question the reasonableness of the agency's evaluation of RLM's offer in the area of experience.

³ Godwin also argues that it was not clear from the terms of the RFQ what technical information a firm was to include in its offer for evaluation purposes. However, the RFQ clearly stated the four technical areas to be evaluated, including recruitment and retention. To the extent Godwin believed that the terms of the RFQ were ambiguous, this matter involves an alleged solicitation impropriety which was not timely raised prior to the closing time for receipt of offers on December 31, 2001. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2002).

⁴ Godwin does not dispute that RGB had "similar" experience, but complains that RGB has never furnished the "same" emergency room physician services as reflected in the RFQ requirements. We point out, however, that the RFQ contained a "same or similar" standard, which was satisfied by RGB.

In sum, the record shows that in responding to the RFQ, RLM submitted a more descriptive and detailed offer than did Godwin. Moreover, as discussed above, the agency's evaluation of offers was reasonable and consistent with the terms of the RFQ. Accordingly, we conclude that the agency reasonably selected for award RLM, the firm submitting the higher technically rated, lower-priced offer.

The protest is denied.

Anthony H. Gamboa
General Counsel