



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Novel Pharmaceutical, Inc.

File: B-265789

Date: December 12, 1995

Richard F. Prentis, Esq., Stubbs, Cole, Breedlove, Prentis & Biggs, for the protester. Mary Ann Bryant, Department of Health and Human Services, for the agency. Sylvia Schatz, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging evaluation of awardee's proposal on the basis that evaluation incorrectly assumed that proposed director was a corporate officer with the authority to bind the corporation is denied where awardee specifically stated on a video tape required to be submitted as part of the technical proposal that the individual was a corporate officer with authority to bind the company and nothing in the record contradicts the representation on the tape.

DECISION

Novel Pharmaceutical, Inc. (NPI) protests the Department of Health and Human Services's (HHS) award of a contract to Priority One Services, Inc. (POS), under request for proposals (RFP) No. 95-99(n), for the care and maintenance of research animals at the Chamblee and Lawrenceville Animal Care Facilities at the Centers for Disease Control and Prevention in Georgia. The protester challenges the evaluation of the technical proposals.

We deny the protest.

The RFP provided for award to the offeror submitting the proposal found to represent the best value to the government based upon consideration of technical and cost factors, which were of approximately equal importance. The solicitation required offerors to submit as part of their technical proposal: (1) a written discussion of corporate experience and staffing and key personnel; and (2) a video tape presentation, in which offerors were to respond to specified sample tasks by discussing their understanding of the problem and their proposed staffing and key personnel, technical approach and program management. Three proposals were received by the closing time, all of which were included in the competitive range. After holding discussions with the offerors, HHS requested best and final offers (BAFO). NPI's BAFO, with a proposed price of \$3,974,685.50, received a technical score of 84 points, while POS's, with a proposed price of \$3,192,052, received a

technical score of 88 points. HHS made award to POS on the basis that its proposal represented the best value to the government.

NPI challenges the evaluation of POS' proposal under the corporate experience criterion (under the technical factor) on the basis that the evaluation assumed that POS' proposed program (division) director was a corporate officer with the authority to bind the corporation when, in fact, the proposed director allegedly was only a consultant.

In reviewing an evaluation, we will not reevaluate a technical proposal; rather, we will examine the agency's evaluation to ensure that it was reasonable. Standard Testing and Eng'g Co., B-256644, July 11, 1994, 94-2 CPD ¶ 17.

The evaluation of POS' proposal under the corporate experience criterion was reasonable. POS submitted as part of its technical proposal a resume for the proposed individual and an organizational chart, both of which identified the individual as the proposed director. In addition, POS specifically stated on the video tape submitted as part of its technical proposal that the individual was a corporate officer with authority to bind the company. Although the technical evaluation panel (TEP), based upon its review of POS' written proposal, initially identified as a weakness the fact that POS' "[p]roposal does not demonstrate that [the individual] is a corporate official of the company," and accordingly decreased POS' score by 6 points under the corporate experience criterion, after viewing the video tape, the TEP raised POS' score by 6 points under this factor. Since nothing in the record contradicts POS' representation on the video tape, we have no basis to question the agency's evaluation.

NPI also challenges the evaluation of its own proposal under the corporate experience criterion on the basis that it improperly received no credit for proposing its president and chief executive officer (CEO). The TEP consensus report identified as a strength under the corporate experience criterion that NPI had proposed its president and CEO, who "has 23 years of experience in laboratory animal care and in chemical safety evaluation." Thus, there is also no merit to this aspect of the protest.

The protest is denied.

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