



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Hadley Exhibits, Inc.

File: B-274346

Date: November 5, 1996

David I. Johnson for the protester.

James L. Weiner, Esq., and Justin P. Patterson, Esq., Department of the Interior, for the agency.

John L. Formica, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

A proposal submitted in response to a solicitation for the fabrication and installation of exhibits was reasonably downgraded by the agency where the proposal did not demonstrate that certain proposed equipment met the specification requirements and where certain proposed personnel lacked sufficient relevant experience.

DECISION

Hadley Exhibits, Inc. protests the award of a contract to Universal Exhibits under request for proposals (RFP) No. 1443-CX-1500-96-001, issued by the Department of the Interior, for the fabrication and installation of exhibits at the Mount Rushmore National Memorial, Keystone, South Dakota. Hadley argues that the agency's evaluation of its proposal was unreasonable.

We deny the protest.

The RFP, issued as a small business set-aside, provided for the award of a firm, fixed-price contract. The RFP listed the following technical evaluation factors to be evaluated on a 100-point scale:

- A. Technical Approach (50 points)
- B. Personnel (20 points)
- C. Samples of Work (20 points)
- D. Physical Plant, Equipment and Major Tools (10 points)

The RFP provided for the award of a contract to the responsible offeror whose proposal was determined to be most advantageous to the government, cost or price

and other factors considered, and stated that "[t]echnical expertise is considerably more important than cost in a ratio of approximately 70/30."

The agency received five proposals, including Hadley's and Universal's. The proposals were evaluated, and four proposals, including Hadley's and Universal's, were included in the competitive range. Discussions were conducted, and best and final offers (BAFO) submitted. Hadley's BAFO received an overall technical score of 84.33 points with a price of \$1,198,107, while Universal's BAFO received a score of 87.33 points with a price of \$1,292,297.

The agency determined that Universal's technically superior, higher-priced proposal represented the best value based on technical and price considerations. In making this determination, the agency identified two particular weaknesses in Hadley's BAFO that rendered it technically inferior to Universal's BAFO: (1) under the technical approach factor, Hadley's BAFO did not sufficiently describe certain proposed equipment to assure its compatibility with other agency equipment and (2) a member of Hadley's conservationist team lacked sufficient relevant experience.

Hadley protests that the agency's evaluation of its proposal under the technical approach and personnel evaluation factors was unreasonable.

The evaluation of technical proposals is a matter within the discretion of the contracting agency because the agency is responsible for defining its needs and the best method of accommodating them. Marine Animal Prods. Int'l, Inc., B-247150.2, July 13, 1992, 92-2 CPD ¶ 16. In reviewing an agency's evaluation, we will not reevaluate technical proposals but instead will review the agency's evaluation to ensure that it was reasonable and consistent with the solicitation's stated evaluation criteria. MAR Inc., B-246889, Apr. 14, 1992, 92-1 CPD ¶ 367. An offeror's mere disagreement with the agency does not render the evaluation unreasonable. McDonnell Douglas Corp., B-259694.2; B-259694.3, June 16, 1995, 95-2 CPD ¶ 51.

The RFP contained detailed specifications for each piece of audio-visual (AV) hardware required, and specified brand-name items which could be furnished to meet these requirements. The RFP provided that should an offeror propose to furnish an "equal" product, the product must be identified by brand name, if any, and information must be furnished to enable the agency to determine if the proposed "equal" equipment meets the specifications set forth in the RFP. The RFP also stated that any "equal" equipment proposed had to be compatible with certain other identified agency equipment.

In evaluating Hadley's proposal under the technical approach evaluation factor, the agency found that Hadley's proposed AV subcontractor had identified in its BAFO for the first time certain "equal products" to fulfill the AV equipment requirements,

but had provided only minimal information as to the proposed products' technical specifications. For example, although the RFP contained detailed specifications regarding audio power amplifiers to be used in the exhibits and listed brand name products, Hadley's BAFO, which offered different products, identified only manufacturers of the products (and not the model numbers), and stated only that the proposed amplifiers had "higher power than specified," [were] "equal in audio quality, cost less and . . . are made in the U.S.A." Because Hadley had not provided any information to show that its proposed "equal" products were in fact "equal" to those specified in the RFP, and had not indicated whether the products were compatible with certain of the agency's existing equipment as required, the agency downgraded Hadley's proposal under the technical approach evaluation factor. The agency also expressed concern in its evaluation of this portion of Hadley's proposal regarding the AV subcontractor's request that any software to be provided to it for use in its performance of the contract arrive at the subcontractor's facility 4 weeks prior to the scheduled delivery date.

In its comments on the agency report, Hadley did not respond to the agency's position that it reasonably downgraded Hadley's BAFO under the technical approach factor because it had not provided sufficient information concerning the proposed AV equipment. With regard to the agency's expressed concern over the 4-week advance delivery requested by Hadley's AV subcontractor, Hadley commented only "that this request was not unreasonable," and that it "question[s] the technical competence of anybody who can do such a job without requesting the necessary information in advance of installation." These comments constitute, at best, Hadley's disagreement with the evaluation results, and do not demonstrate that the agency's evaluation of its proposal was unreasonable.

With regard to the evaluation of Hadley's proposal under the personnel factor, the agency found that Hadley, in its initial proposal, had proposed to subcontract the required work regarding the conservation of artifacts. Hadley explained in its proposal that because its proposed conservationist had not visited the site and as such was only able to estimate the amount of work involved, the proposed price for this work "may be subject to adjustment." During discussions, the agency informed Hadley that, in accordance with the RFP, it was required to provide a fixed price for artifact conservation, and that a site visit could be arranged should Hadley need to do so to finalize its price. Rather than visiting the site and submitting a firm price for the conservation work, Hadley proposed a new conservation team in its BAFO, comprised in part by an individual who had interned at the Mount Rushmore National Memorial from January through May 1996.

The agency found the conservation team proposed in Hadley's BAFO to be of particular concern, and downgraded Hadley's proposal accordingly. Specifically, the agency evaluators noted that although the individual who had interned at the memorial had assisted the staff "with research into photographs and objects that

would be used in the exhibits," he had not done "conservation work at the park" and did not appear to have adequate experience in conservation.

Hadley's only response to this evaluated problem is to say that "[i]t is curious that while the [agency] found [the individual proposed by Hadley in its BAFO] competent to prepare the data from which we were to bid, he was not deemed adequately competent to contribute to the bidding process itself." Again, Hadley's comments in response to the agency's evaluation represent, at best, Hadley's disagreement with the agency, and provide no basis to find the agency's evaluation unreasonable.

Based on our review of the record, we have no basis on which to find the agency's evaluation of Hadley's proposal unreasonable. Metrica, Inc., B-270086; B-270086.2, Feb. 8, 1996, 96-1 CPD ¶ 135.¹

The protest is denied.

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¹Hadley also argued in its protest that the agency unreasonably evaluated certain other portions of Hadley's proposal, and challenged the agency's selection of Universal's higher-priced proposal for award. In its report on Universal's protest, the agency responded to Hadley's contentions, explaining the bases of its evaluation and why it chose Universal's higher-priced proposal for award. Because Hadley did not respond to the agency's position on these issues in its comments on the agency report, we consider Hadley to have abandoned these issues. Decision Sys. Technologies, Inc.; NCI Information Sys., Inc., B-257186 et al., Sept. 7, 1994, 94-2 CPD ¶ 167.