

DECISION



11932 PLI
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE:

B-194327

DATE: November 5, 1979

MATTER OF:

Leo Kanner Associates, ^{Co.}

DIGEST:

[Protest Alleging RFP Provisions Were Unduly Restrictive]

1. Geographic limitation for document and on-site translation services requiring that contractor maintain Washington, D.C. office and provide local pickup and delivery service is proper in view of agency's need for document control, rapid response time, and close liaison and cooperation between agency and contractor personnel.
2. Agency decision to solicit document and on-site translation (interpreting) services as one procurement is justified because agency reasonably may conclude that enhanced subject matter familiarity will result if single contractor performs both tasks.

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Leo Kanner Associates (Kanner) protests as restrictive several provisions in request for proposals (RFP) H-4472, issued by the Department of Housing and Urban Development (HUD). The procurement is for document and on-site translation (interpretation) services to meet responsibilities stemming from the 1974 USA-USSR Agreement on Housing and Other Construction. Under this agreement, meetings are held between foreign and U.S. Government officials at which housing documents and other data are exchanged and discussed. Kanner did not submit a proposal.

Kanner, based in California, has 15 years experience translating Government documents, including military intelligence and other high volume sensitive work. It maintains that Task IV of the RFP, requiring the contractor to "provide pickup and delivery service

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to and from HUD's Washington Headquarters" and have a "Washington, D.C. based office" is unduly restrictive of competition. Kanner also believes the on-site translation requirement should be broken out as a separate procurement.

The RFP did not define "Washington D.C. based office." However, Kanner appears to concur with HUD's view that the RFP contemplated an office located in the District where all of the translation services would be performed and from which interpreters could be dispatched to attend the meetings. Because initially only the title, table of contents and a brief abstract are translated, HUD indicates that consultation with the contractor will be required so the contractor and HUD staff can determine whether complete translation is necessary. HUD reports that because this process frequently must be conducted on an expedited basis, HUD requires proximity of the office to its headquarters. In this connection, the documents also must be easily accessible to three other Federal agencies in Washington, D.C., which are also participating in the meetings. In addition, HUD believes that a local office is necessitated by the large volume of sensitive documents involved and because the time available for translation often is limited to less than 24 hours. In this connection, the RFP indicated a need for a quick turnaround time for translation of documents; the solicitation sought pricing for 24 hours as well as for a three-day or more turnaround time. Finally, HUD believes it can better prevent document loss if all of the translation work is performed in a local office.

Pointing out that the contract is for an indefinite quantity of services and is limited to orders totaling only \$40,000, Kanner challenges HUD's position, particularly HUD's reference to the "sheer volume" of work which will be handled. Kanner notes that Department of Defense activities and other Government agencies contract nationally for translation of millions of words per year, frequently on an expedited basis. It argues that effective use of modern telecommunications and air express services permits it to achieve short turnaround

times even though its clients are widely scattered geographically. Kanner evidently believes it could meet HUD's translating needs, e.g., by establishing a temporary liaison office in the Washington, D.C. area, possibly at HUD, and by using dedicated telecommunications services to transmit documents to and from that office to its California offices. Kanner also questions HUD's belief that extensive consultation is required, at least if the work is done in a professional manner.

Generally, a procuring activity may determine that a geographic restriction is required provided the limitation represents its actual needs. Plattsburgh Laundry and Dry Cleaning Corp.; Nu Art Cleaners Laundry, 54 Comp. Gen. 29 (1974), 74-2 CPD 27. Also, an agency's decision to procure multiple items or services on a package basis must be upheld if the decision to do so is reasonable. Allen and Vickers, Inc., American Laundry Machinery, 54 Comp. Gen. 445 (1974), 74-2 CPD 303; Ampex Corporation, B-191132, June 16, 1978, 78-1 CPD 439.

As explained below, we believe these conditions are met here and the protest, therefore, is denied.

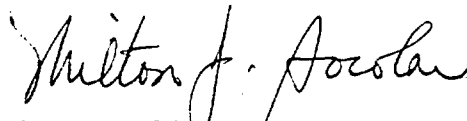
We have recognized that a need for rapid turnaround time, close liaison between the contractor and Government personnel and control over the documents involved provides a legitimate basis for an agency's imposition of a geographic restriction. CompuServe, B-188990, September 9, 1977, 77-2 CPD 182; B-178600, August 16, 1973. Here, all of the participants in the meetings involving the documents are located in Washington, D.C. Because the joint meetings deal with the same subject matter as the documents which are translated, HUD envisions that the same persons who translate the documents and are, therefore, familiar with their contents will also provide interpreting services at these meetings. In this manner a person translating the documents will be able to interpret the spoken language with more consistency and accuracy. We understand that this requirement is particularly essential because of the nuances of the Russian language; if different individuals provided

interpretation and translation services it could result in divergent interpretations/translations of the same language. Further, as HUD reports, it frequently will require the contractor to translate materials on an expedited basis and prepare for a meeting involving the documents. Consequently, it requires a contractor to pick up and deliver the documents on short notice. Thereafter contractor personnel must be available to decide if complete translation is necessary.

In view of these requirements, we believe it is reasonable for HUD to impose a local office restriction, and we do not believe that a temporary liaison office could satisfy that requirement since, at least as Kanner envisions it, such an office would not be staffed by personnel capable of performing both the interpretation and translation tasks. (Kanner, it appears, would electronically transmit or physically transport the documents outside of the local area to its office in California where the materials would be translated.) Similarly, HUD's position that the translation and interpretation services are interrelated provides a reasonable basis for its decision to award one contract covering both aspects of the required services. The protest, therefore, is denied.

We believe, however, that the solicitation fell short of adequately stating HUD's intentions. The term "Washington, D.C. based office" is not clear. Although it suggests that HUD was requiring a vendor to maintain something more than a local office, it did not explicitly indicate HUD's requirement that all contractor personnel performing translation and interpretation services be located in that office. Moreover, the language used could have led potential offerors to believe that a firm would be considered qualified only if its principal office were located in Washington, D.C. Evidently, HUD did not intend to consider only firms located in Washington, D.C., since it evaluated a proposal submitted by a Maryland firm. The solicitation also did not explicitly require the contractor to provide the same

persons for both on-site translation and document translation services. We are bringing this matter to the attention of the Secretary of HUD and recommending that action be taken to assure that HUD procurement personnel issue solicitations which clearly set forth the agency's requirements.



For the Comptroller General
of the United States