

DECISION

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

12533 M. Hordle
Proc I

FILE: B-195536

DATE: January 15, 1980

MATTER OF: General Exhibits, Inc.

Protest of RFP provisions

DIGEST:

1. Agency may require sketches accompanying proposals for purpose of evaluation if sketches are needed to aid agency in determining whether services proposed meet specifications and in concluding what agency would be binding itself to purchase by awarding contract.
2. Protester's suggestion that GAO verify its position with industrial design firms that sketches should not have been required with proposals is rejected since requirement was deemed necessary by agency for proper evaluation.

General Exhibits, Inc. (General), protests various provisions in RFP # FWS-4A-13, issued by the Department of the Interior, Fish and Wildlife Service (Interior). The RFP solicited proposals for "the preparation of design documents and the fabrication and installation of exhibits for the Visitors Center at the Wheeler National Wildlife Refuge" (Wheeler) in Alabama. The preparation, fabrication and installation were required to conform to the Wheeler Interpretive Exhibit Prospectus furnished by Interior. This prospectus was a detailed narrative of Wheeler including its creation, description, the wildlife it attracts, its purposes and restrictions.

The RFP, in the Technical Approach section, required each offeror to submit a narrative statement outlining its approach. The RFP also stated that as a minimum the narratives should include, among other things, "rough dimensions and physical shapes of display areas/cases for each exhibit" and a "rough sketch of each proposed display."

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General's position is essentially that "a word proposal can adequately support the requirements of the RFP when a floor plan designating square footage of exhibit areas is submitted with the proposal." In other words, General believes Interior required an overly elaborate proposal. General contends that sketches at this stage of the procurement (submission of initial proposals) would not provide Interior with any positive information and would not until the preliminary stages of design are implemented. In addition, General believes the requirement for sketches is unreasonable, demonstrates a lack of cost consciousness, and violates the President's inflation policy. General suggests that Interior reduce its overall budget for this project and basically subsidize some of the companies by giving "token design fees" at a later stage in the procurement. Furthermore, General argues that the RFP's request for the use of computer facilities is unfair.

Interior's position is that the RFP only required rough sketches, not elaborate concept sketches, of the proposed display exhibits. Interior submits that elaborate sketches would be a part of the awarded contract. Also, Interior advises that notwithstanding the failure of General's proposal to contain sketches, it received five proposals, some including rough sketches, and others more elaborate sketches. Interior believed that the sketches supplemented by the narrative would assist it in interpreting the proposed design. Moreover, Interior contends this "'total package' approach gives the Government a reliable basis for comparing competitive proposals." Interior's final argument in this regard is that requiring sketches is not unduly costly or inflationary and does not violate the Federal Procurement Regulations. As to General's last argument, use of computer facilities, Interior notes that this was "not a requirement but cited merely as an example of a cost control tool which offeror could utilize."

For the reasons set out below, we disagree with the protester's contentions.

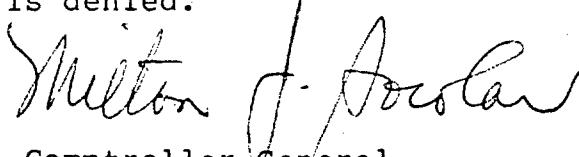
An agency has the primary responsibility to draft specifications reflecting its minimum needs as well as determining that the products and/or services offered meet those specifications. Therefore, a solicitation may require the submission of information deemed necessary for the purpose of evaluation to aid the agency in determining whether the products and/or services proposed or offered meet the specifications and in concluding what the contracting agency would be binding itself to purchase by awarding a contract. Interior has made its determination that sketches were needed to properly evaluate the proposals. In these circumstances, we do not find that such determination was unreasonable or inappropriate.

General, after asserting its challenge to the sketches, suggests that our Office "verify the proper creative process" with industrial design firms which will support General's position. In view of the above conclusion, we don't find industry practice a relevant consideration.

Since we have concluded that the sketches were properly required for proposal evaluation, General's suggestion that for budgetary reasons they should have been submitted at a later stage of the procurement is also irrelevant.

In regard to General's last argument, the use of computer facilities, it is clear from the RFP that such use was not a requirement. Rather, Interior listed one possible cost control method subsequent to its request that each offeror explain what methods would be utilized to control the estimated project costs.

The protest is denied.



Milton J. Socolar
For The Comptroller General
of the United States