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DECISION



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

FILE: B-205581

DATE: June 7, 1982

MATTER OF: Booz, Allen & Hamilton, Inc.

DIGEST:

1. The high score received by one offeror as a result of the initial evaluation by an evaluation panel does not indicate that the offeror was the "winner" of the competition, but only that the offeror was to be included in the competitive range and evaluated further upon the submission of a best and final offer.
2. A selection official is not bound by the point scores, findings and recommendations of lower-level evaluators in selecting an offeror for award.

Booz, Allen and Hamilton, Inc. protests the award of a contract to Battelle Columbus Laboratories under request for proposals (RFP) DTUM60-80-R-71015 issued by the Urban Mass Transportation Administration (UMTA). The RFP is for technical support for the urban transit bus program. Booz, Allen contends that UMTA permitted Battelle to revise its technical offer in contravention of the RFP, held a one-sided auction, failed to justify the award to a technically inferior firm, and awarded a contract for one-half of the level of effort established in the RFP. We deny the protest.

UMTA requested proposals, on a cost-plus-a-fixed-fee basis, to provide technical support in various projects involving the assessment, testing and evaluation of anticipated innovations in bus and energy technology. Six firms submitted offers in response to the RFP. A technical evaluation panel reviewed the proposals. Booz, Allen's proposal received an average technical point score of 87.6 out of a possible 100 points and Battelle's received 82.8 points. Both proposals were among the four proposals found to be within the competitive range. No major technical revisions of the initial proposals were

permitted. Booz, Allen submitted a best and final offer of \$899,987, while Battelle offered to perform at a cost of \$899,237. UMTA determined both proposed costs to be reasonable and accurate. The source selection officer evaluated the final proposals and determined that an award to Battelle would be the most advantageous to the Government, cost and other factors considered, despite Booz, Allen's higher technical point score. The officer based this determination predominantly on the superior technical team assembled by Battelle.

Booz, Allen contends that the award was improper in that, despite Battelle's ostensible \$750 cost advantage, Booz, Allen's proposal actually represented a lower cost to the Government. Booz, Allen asserts that its cost proposal included 27,500 professional hours plus 1,500 hours of support staff time while Battelle's allegedly did not include any support staff hours. The record shows, however, that Battelle's cost proposal actually reflected 27,500 professional hours plus 2,750 support staff hours.

Booz, Allen also alleges that UMTA gave Battelle multiple opportunities to improve its cost position, in effect conducting a one-sided auction. Booz, Allen has not presented any evidence to support this allegation and UMTA emphatically denies it. Absent probative evidence, we view the allegation as speculative and conclude that the protester therefore has not met its burden of proof. The Communications Network, B-202286, July 31, 1981, 81-2 CPD 75.

Booz, Allen next contends that UMTA impermissibly allowed Battelle to make major technical revisions in its proposal. The basis of the allegation is that Booz, Allen was led by reliable sources to believe that its initial proposal had been found by the evaluation panel to be technically superior to Battelle's. Since Booz, Allen did not ultimately win the competition, the protester surmises that Battelle's initial technical proposal must have been substantially improved. Booz, Allen argues that UMTA violated a provision of the RFP that limits the extent of discussions and technical revision.

The record indicates, however, that Booz, Allen's speculation concerning a technical revision is incorrect; Battelle's best and final offer contains no technical revision at all and the award was based solely on the original technical proposal. The relative technical standing

of the two firms changed not because Battelle revised its technical proposal, but rather because the source selection official determined that despite the slightly higher average score the evaluation panel gave Booz, Allen's proposal, Battelle's proposal was more advantageous to the Government.

The purpose of initial point scores is not to determine the ultimate outcome of a competitive source selection, but rather to establish a competitive range of firms to be evaluated further upon the submission of best and final offers. The Ohio State University Research Foundation, B-190530, January 11, 1979, 79-1 CPD 15. Moreover, in the source selection process, the selection official is not bound by the findings, scoring and recommendations of technical evaluators and other lower-level review bodies and officials, provided that the ultimate decision has a reasonable basis and is consistent with the evaluation criteria. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD 325. Here, the source selection official found two proposals that were extremely close in technical merit and cost. He determined that Battelle's approach was the most advantageous to the Government because the technical team of Battelle and its two principal subcontractors offers the balance and extensive experience necessary to address the varied technology projects contemplated by the RFP. In this regard, the RFP designates "institutional qualification of the proposer and subcontractors" as preeminent among the five evaluation criteria. Under the circumstances, we conclude that the selection was reasonable and consistent with the evaluation criteria.

Last, Booz, Allen contends that the single award for a level of effort of up to 27,500 hours was inconsistent with the RFP. The RFP set forth two alternatives for contract award: the award of one contract for 55,000 hours of effort or the award of two contracts for 27,500 hours. UMTA awarded the contract on the basis of a third alternative not mentioned in the RFP, one award for 27,500, because of a reduction in funding of this research and development area for fiscal years 1982 and 1983. Booz, Allen contends that had it known only one award for 27,500 hours would be made, it might have altered its proposal.

Although we agree that a single award for up to 27,500 hours of effort was not contemplated by the RFP, we fail to see how Booz, Allen or any other offeror was prejudiced by the award. The RFP requested, and Booz, Allen and other offerors submitted, a cost proposal for both the 55,000-hour level and (in case two awards would be made) the 27,500-hour level. We do not understand how an offeror's cost proposal

would have changed if the offeror had known that UMTA would award only one contract for 27,500 hours of effort to one firm rather than two contracts for 27,500 hours to two firms; in either situation the offeror would have had to prepare its cost proposal under the assumption that it would receive one 27,500 hour contract. We find no merit to this contention.

As part of its requested relief, Booz, Allen claims proposal preparation costs. In view of our finding that the agency has acted properly and not arbitrarily or capriciously, this claim is denied. See Polarad Electronics, Inc., B-204025, November 12, 1981, 81-2 CPD 401.

The protest is denied.

for Milton J. Aroscau
Comptroller General
of the United States