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DECISION



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

FILE: B-210443

DATE: August 8, 1983

MATTER OF: Conwal Incorporated

DIGEST:

1. A proposal is properly excluded from the competitive range for technical deficiencies where those deficiencies are so material as to preclude upgrading the proposal to an acceptable level except through major revision.
2. A protester's mere disagreement with the agency's technical evaluation of its proposal does not meet the protester's burden of showing that the evaluation is unreasonable.

Conwal Incorporated (Conwal) protests the exclusion of its proposal from the competitive range under request for proposal (RFP) No. N00600-82-R-4343 issued by the Department of the Navy for the processing of applications for the Naval Reserve Officers Training Corps (NROTC) Scholarship Fund. Six proposals were submitted in response to the RFP. The Navy limited the competitive range to four of the offerors. One of those offerors, DDD Company, ultimately was awarded the contract.

Conwal asserts that its proposal, the lowest priced proposal submitted in response to the RFP, arbitrarily was excluded from the competitive range, thus depriving it of the opportunity to enter into discussions with the Navy for award consideration.

We deny the protest.

The Navy solicited for the services of a contractor to provide a variety of services needed in the application/processing/selection cycle for the approximately 2,000 NROTC scholarships awarded annually.

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The RFP advised offerors that, for award purposes, cost would be given a weight of approximately two-thirds of that applied to the technical criteria. The RFP set forth in descending order of importance (except that the first two items were of equal importance) the following technical evaluation criteria:

- Resources proposed for the contract
- Understanding of contract requirements
- Circumstances and solutions for possible interruptions of service
- Company experience

Although point scores for each criteria were not designated in the RFP, the Navy applied maximum point scores of 30, 30, 25, and 15, respectively, for each of the technical evaluation criteria.

Two technical evaluators reviewed each of the six proposals. Conwal received a score of 40 out of a possible 100 points from both evaluators in the initial technical evaluation. The four firms included in the competitive range received initial scores of 60 or higher from each evaluator. The average technical evaluation scores for the six proposals were:

Business Computer Services	91.5
Capital Systems Group	80.5
DDD Company	75.0
Contract Business Services	63.5
AMCI*	60.5
Conwal*	40.0

*Not included in the competitive range.

Conwal offered to perform the work for \$401,400. The other proposals ranged in price from \$420,600, offered by DDD Company, the awardee, to \$1,165,384.

The Navy reports that Conwal's low technical rating was based on the following deficiencies in its proposal: (1) a

lack of understanding and experience, (2) a limited staff, (3) an absence of contingency planning, and (4) a weak relationship with its subcontractor. The Navy contracting officer found that these deficiencies made the proposal so unacceptable that further discussions would benefit neither the Government nor the offeror. Therefore, the proposal was excluded from the competitive range.

Conwal alleges that it should have been included in the competitive range even though the Navy found its proposal to be technically unacceptable. We disagree.

Our Office will review technical evaluation results only to determine if proposals were evaluated reasonably, if award was made in accordance with stated evaluation criteria, and/or if award violated applicable procurement statutes or regulations, Weldun Special Machine, B-207268, August 23, 1982, 82-2 CPD 166.

We have held that a proposal properly may be excluded from the competitive range for deficiencies which are so material that major additions and revisions would be required to make it acceptable. There is no requirement that an agency permit an offeror to revise an initial proposal when such a revision would be tantamount to the submission of another proposal. Decilog, B-198614, September 3, 1980, 80-2 CPD 169. An examination of the record in this protest demonstrates that such a major revision would be needed to make Conwal's proposal acceptable.

Conwal's position that its proposal should have been included in the competitive range is based solely on its statement that its proposal was fully responsive to the RFP. Thus, Conwal offers no evidence to show that its proposal was excluded as a result of anything other than the reasonable judgment of the Navy's technical evaluators. Because contracting officers are given a considerable range of judgment and discretion in carrying out a technical evaluation, the protester's mere disagreement with the agency's evaluation does not meet the protester's burden of showing that the evaluation was unreasonable. Spectrum Leasing Corporation, B-205781, April 26, 1982, 82-1 CPD 383.

The fact that Conwal submitted the lowest priced proposal is irrelevant. Where, as here, the firm offering the lowest priced proposal is properly excluded from the competitive range, the agency's refusal to conduct negotiations with that firm is proper. See Techniarts, B-192158, March 29, 1979, 79-1 CPD 213.

Protest denied.

for 
Comptroller General
of the United States