

**DECISION**



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

**FILE:** B-211117

**DATE:** October 24, 1983

**MATTER OF:** United Food Services, Inc.

**DIGEST:**

The prior experience of an offeror, and that of its proposed staff, in providing the specific type of services being procured are reasonably related aspects of, and are encompassed by, respectively, the stated criteria "Offeror's experience and qualifications" and "Individual staff experience." Thus, the lack of such experience--at both the entity and staff levels--was properly taken into account in evaluating the protester's proposal even though the solicitation did not explicitly identify these aspects of the stated evaluation criteria.

United Food Services, Inc. protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. ETA-OC-83-01 issued by the Employment and Training Administration, Department of Labor. The protester states that the agency excluded its proposal solely because it lacked prior experience in contracting with the Department. Since the RFP did not indicate that such experience was required, the protester contends that the exclusion of its proposal from the competitive range for this reason was improper and that it is therefore entitled to be reimbursed the costs of preparing its proposal. We deny the protest and the claim for proposal preparation costs.

Two other firms also have protested the award of the contract under this solicitation. By decisions of this date, Technical Assistance Group, Incorporated, B-211117.2, and ADC Ltd., Inc., B-211117.3, we have denied these protests.

The agency issued the RFP to obtain personal property management services at Job Corps centers and regional offices. The RFP listed the following evaluation criteria and relative weights:

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<u>Technical Criteria</u>	<u>Points</u>
A. Offeror's understanding of intent and requirements	20
B. Offeror's experience and qualifications	25
C. Technical approach	20
D. Individual staff experience	35

The RFP stated that, for purposes of the criterion "Offeror's experience and qualifications," proposals should include sufficient information to indicate "the previous experience and effectiveness of the firm in similar or related work and to demonstrate the firm's current capacity to provide the services offered." Offerors were required to identify both the principal clients for whom similar work previously had been performed and the staff assigned to such projects. The RFP stated further that considerable emphasis would be placed on the offeror's commitment of qualified personnel to this contract and that the awardee would be required to commence performance within 5 days after award.

Seven offerors submitted proposals in response to the RFP. A three-member agency technical panel reviewed each proposal and assigned a point score for each evaluation criterion. The panel reported that the first three ranked firms were substantially equal in apparent ability to perform the contract. The contracting officer selected these three for further negotiations and notified the remaining four firms, including the protester, that they would no longer be considered for award.

The protester contends that it was informed at a debriefing it requested that only those offerors with prior "hands-on" experience in property management with the Department were considered for award. According to the protester, the sole reason given at the debriefing to explain the exclusion of its proposal from the competitive range was that it lacked such experience. The protester concedes that neither the firm nor the individual staff members had any experience in property management for the Department, but argues that this fact does not justify the exclusion of its proposal from the competitive range since the RFP did not list prior contractual experience with the Department as an evaluation factor.

The agency reports that it explained at the debriefing that the protester's proposal was rated lower than those in the competitive range because most of United's experience had been in food service rather than property management and because its proposal did not reflect an ability to assume complete operation of the Job Corps' property management support system shortly after award as required by the RFP. The agency disputes the protester's assertion that the lack of contractual experience with the Department rendered the protester ineligible for award. Such experience was not a prerequisite for award and, in fact, says the agency, not all the firms determined to be in the competitive range had such prior experience.

Essentially, the protester argues that the elimination of its proposal from the competitive range was based on a deficient technical evaluation. In this regard, it is not the function of this Office to determine independently the acceptability or relative technical merit of proposals. Those determinations are primarily the responsibility of the contracting agency, which must bear the burden of any difficulties resulting from a defective evaluation. Zuni Cultural Resource Enterprise, B-208824, January 17, 1983, 83-1 CPD 45. Our review of an agency's evaluation of proposals is limited to examining whether the evaluation was fair and reasonable and consistent with the evaluation criteria stated in the solicitation. Holmes and Narver, Inc., B-206138, January 11, 1983, 83-1 CPD 27. In this connection, although a solicitation must identify the major criteria that will be used in evaluating proposals, it need not identify explicitly the various aspects of each criterion that might be taken into account, provided that such aspects are reasonably related to or encompassed by the stated criteria. CMD, Inc.; DMC, Inc., B-209742, May 25, 1983, 83-1 CPD 565.

We reviewed the evaluators' worksheets and summaries and we find that the evaluation of the protester's proposal was consistent with the criteria stated in the solicitation. Under the criterion "Offeror's experience and qualifications," which the RFP indicated was worth 25 out of 100 points, the protester received an average from the three evaluators of 18.3 points. The evaluators commented that United's experience primarily was with military food service contracts and did not relate to the Department of

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Labor's property management system. Under the criterion "Individual staff experience," worth 35 points, the protester received an average score of 25. The evaluators noted that the experience of the protester's staff related largely to Department of Defense requirements and that the staff would require training in Labor's system. It is thus clear from our review of the worksheets that the major reason the protester's proposal was not rated higher on these criteria was the lack of familiarity--at both the entity and staff levels--with Labor's property management system.

The protester contends that since the solicitation did not require prior experience with Labor's property management system and did not list this as an evaluation factor, the lack of such experience should not have been considered in evaluating the proposals. We do not agree. An offeror's experience and familiarity with the property management system currently in use by the Department is reasonably related to and encompassed by the stated criterion "Offeror's experience and qualifications." This is particularly true in light of the provision in the RFP that offerors were required under this criterion to demonstrate a "current capacity to provide the services" and the requirement that the contractor commence performance within 5 days of award of the contract. These provisions put offerors on notice that there would be little opportunity to learn the Department's system after award and thus that some working knowledge of that system was desirable.

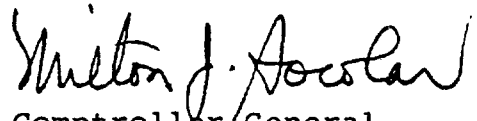
Similarly, the experience of an offeror's proposed staff in operating property management systems similar to that used by Labor is reasonably related to and encompassed by the criterion "Individual staff experience." The solicitation sought a contractor with an experienced staff that could begin working almost immediately with the agency's established system for accounting for the Job Corps' inventory of personal property. We do not regard it as unreasonable in evaluating the experience of the protester's proposed staff to consider as a weakness that the staff was not experienced in Labor's system and thus would require training.

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In short, we find that the factors considered by the evaluation panel in evaluating the offeror's proposal under the offeror and staff experience criteria were reasonably related to those criteria. In addition, we see no evidence that the protester was considered to be ineligible for award because of a lack of prior contracts with the Department. Rather, the lack of experience with the Department's property management system contributed to its achieving a point score below what the contracting officer determined to be the competitive range.

We find the evaluation of the protester's proposal was reasonable and consistent with the evaluation criteria listed in the solicitation; we therefore conclude that the agency had a reasonable basis to exclude the protester from the competitive range. A. T. Kearney, Inc., B-205898.2, February 28, 1983, 83-1 CPD 190.

The protest and claim are denied.

*for*   
Comptroller General  
of the United States