

# DECISION



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

21228

**FILE:** B-212628, B-212628.2

**DATE:** January 20, 1984

**MATTER OF:** Science and Management Resources, Inc.;  
James W. Collins and Associates, Inc.

## DIGEST:

1. Where protesters allege that procuring activity failed to point out deficiencies in protesters' initial proposals, but record shows that even if agency discussed deficiencies, protesters would not receive award since, subsequent to discussions, agency found that protesters failed to demonstrate adequate experience under applicable evaluation factor, agency's alleged failure to clearly communicate deficiencies in protesters' initial proposals did not prejudice protesters.
2. Cancellation of small business set-aside RFP and resolicitation under unrestricted RFP was proper where all small business proposals were found unacceptable.

Request for proposals (RFP) No. SA-83-RSB-0020 was issued by the Department of Commerce (Commerce) as a 100-percent small business set-aside for word processing services for the Patent and Trademark Office, Patent Examining Group (PTO). James W. Collins and Associates, Inc. (JWC), and Science Management Resources, Inc. (SMR), protest the cancellation of the above solicitation and resolicitation on an unrestricted basis. Both firms allege that during negotiations, Commerce did not point out deficiencies in the firms' proposals so that they could properly submit revised proposals meeting PTO's needs.

Twelve proposals were received by the April 8, 1983, closing date. Four offerors, including both protesters, were determined to be within the competitive range and, on July 1, 1983, oral discussions were held with these firms.

The solicitation identified four evaluation factors, in descending order of importance, which were prior experience and past performance, staffing plan, personnel, and organization and management.

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Commerce contends that during the July 1 negotiations, the technical evaluation committee asked both protesters numerous questions concerning their proposals and that, based upon the firms' responses (best and final offers) to the questions, the committee became aware of deficiencies not apparent in the initial proposals which showed a lack of overall understanding of the requirement. Due to these factors, the determination was made to investigate further each firm's prior experience and past performance.

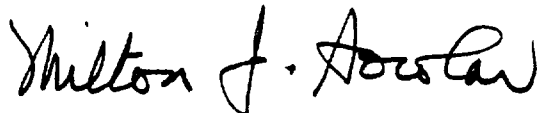
On July 15, 1983, the technical evaluation committee contacted the protesters' references. JWC's references indicated that the firm had provided word processing services in managerial studies and word processing training. Three of SMR's references stated that SMR had performed word processing services in preparing membership mail lists and SMR's other references explained that the firm provided word processing services on an "as needed" basis. Based on this information, the technical evaluation committee determined that neither firm had experience which indicated that it could perform a "full line of technical word processing services" involving large volumes of work as required by the RFP. In addition, neither offeror had any experience in dealing with the technical language, chemical formulas and legal language that was to form part of the work required by the RFP. Thus, the decision was made not to award the contract to either firm.

We do not find that Commerce's decision was unreasonable. As quoted above, "prior experience and past performance" was the most important evaluation factor in the RFP. A summary of responses from each protester's references shows that the protesters do not have experience performing large volumes of word processing services for technical requirements as required by the RFP. Neither protester disputes this nor does either allege that the deficiency could be corrected through further discussions. Based upon the determination that neither firm was technically acceptable under the experience factor, we cannot conclude that the protesters were prejudiced even if we assume that Commerce failed to point out other deficiencies in their initial proposals. See Southwest Marine, Inc., B-198701, August 15, 1980, 80-2 CPD 123; Humanics Associates, B-193378, June 11, 1979, 79-1 CPD 408.

Finally, because we find that Commerce's decision was reasonable and because none of the proposals was found

to be technically acceptable, we find nothing improper in the cancellation of the RFP and subsequent resolicitation. Automated Datatron, Inc., B-184924, March 2, 1976, 76-1 CPD 148. The Federal Procurement Regulations (FPR) recognize that a small business set-aside may be withdrawn by the contracting officer when it is determined that award under the set-aside would be detrimental to the public interest. FPR § 1-1.706-3(b) (1976 ed. amend. 192).

The protests are denied.

  
for Comptroller General  
of the United States