

**DECISION**



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

**FILE:** B-216956

**DATE:** November 13, 1984

**MATTER OF:** Air Technology, Inc.

**DIGEST:**

Protest against agency's decision not to include an offer in the competitive range is denied summarily where documents submitted with protest show that protester failed to submit an adequate technical proposal and that the agency did not act arbitrarily in rejecting the proposal on that basis.

Air Technology, Inc. (ATI) protests the rejection of its proposal in response to request for proposals (RFP) 2071-411111 issued by the Department of State for aircraft support (including engine and other overhaul and repair) services. ATI's proposal was rejected as outside the competitive range after State found ATI's technical proposal was so inadequate it could not be evaluated. ATI contends that it is qualified to perform the contract.

We deny ATI's protest summarily because it is clear from its submission to our Office that the technical proposal it submitted to State was so materially deficient that ATI would be unable to prevail were the protest fully developed.

The evaluation of proposals and determination of firms that will be included in negotiations are matters that properly involve the exercise of discretion by the procuring agency. Consequently, we will not question an agency's evaluation of proposals unless it is shown that the agency's determination was unreasonable, arbitrary or in violation of procurement laws or regulations. See Digital Equipment Corp., B-207312, Aug. 9, 1982, 82-2 CPD ¶ 118. In this connection, we have held that agencies do not act improperly when they exclude a proposal from the competitive range for deficiencies that are so material

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that major additions would be required to make it acceptable. MacGregor Athletic Products, B-211452, Sept. 23, 1983, 83-2 CPD ¶ 366.

Materials submitted with the protest show that six technical factors were to be considered in evaluating proposals. These, quoted in descending order of importance, were as follows:

- "a. Experience and qualification of the individual who will be assigned as Project/Contract Manager.
- "b. Experience and qualifications of personnel (overhaul/repair services) to include [Federal Aviation Administration] certifications.
- "c. Proposed procurement/overhaul system, including the proposed record keeping system.
- "d. Experience of offeror in providing the aviation support services required by this solicitation to overseas countries.
- "e. Experience and qualifications of offeror in providing any or all of the aviation support services required by this solicitation.
- "f. References of overseas and domestic clients who offeror has provided the required aviation support services. References to include name, telephone number, service provided, contract number and dollar value."

ATI has included a copy of its technical proposal with its protest. The proposal consists of two typewritten pages and several standard contracting forms. The standard forms add nothing to the typewritten text. The typewritten text is in outline form and includes four parts:

- (1) a paragraph in which ATI identified its proposed project manager and briefly summarized his experience;

(2) a paragraph in which ATI indicated its intent to subcontract portions of the work to three firms;

(3) a statement that record-keeping would consist of maintaining three files (identified as "quotes and correspondence," "open orders," and "closed orders"); and

(4) a list of references.

The proposal did not discuss the experience or qualifications of ATI's or its proposed subcontractors' personnel in providing overhaul and repair services, and except for the list of references, did not address ATI's experience or qualifications in providing aviation support services domestically or overseas.

ATI's protest contains more technical information than did its proposal, and we recognize that ATI in fact may be qualified to perform this work. It was incumbent on ATI, however, to establish in the proposal the suitability of what it offered. See Duoyd Manufacturing Co., Inc., B-195762, November 16, 1979, 79-2 CPD ¶ 359. It is clear from the protest that ATI did not meet this responsibility to demonstrate its qualifications in its proposal. Consequently, ATI cannot show that the rejection of its proposal was unreasonable.

The protest is denied.

*Milton F. Dowler*  
for Comptroller General  
of the United States