



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Page, Anderson & Turnbull, Inc.
File: B-223849
Date: October 14, 1986

DIGEST

Contracting agency, in procuring architect-engineering (A-E) services, may properly evaluate material other than the required qualification forms submitted by firms to show their special qualifications for the specific project even if such submissions are not specifically requested in the public announcement in the Commerce Business Daily, because Standard Form (SF) 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," by which A-E firms submit qualifications data, specifically permits accompanying supplemental submissions at the discretion of competing firms.

DECISION

Page, Anderson & Turnbull, Inc. (Page) protests the General Services Administration's (GSA) selection of Architectural Resources Group (ARG) as the firm with which to negotiate an architect-engineer (A-E) contract for architectural historical conservation services for various buildings in the Northern California area. Page contends that GSA, without notice to the protester, improperly permitted other firms, including ARG, to submit additional extraneous information about their qualifications for this specific project. Page therefore requests that the qualifications of competing firms be reevaluated by GSA without consideration of any information not specifically contained in Standard Forms (SF) 254 and 255^{1/} unless such additional information

^{1/} Firms interested in being considered for A-E contracts must file SF 254, "Architect-Engineer and Related Services Questionnaire," and when applicable, SF 255, "Architect-Engineer and Related Services Questionnaire for a Specific Project." SF 254 is a general statement of qualifications submitted annually by firms wishing to be considered for A-E contracts. SF 255, which is a supplement to the SF 254, (ft. note 1 cont'd on page 2)

037053 - 13 / 324

is formally requested by GSA from all firms as part of its announced selection process.

We deny the protest.

Generally, under the selection procedures set forth in the Brooks Act, 40 U.S.C. §§ 541-544 (1982), which governs the procurement of A-E services, and in the implementing regulations in the Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 36.600-36.609 (1985), the contracting agency must publicly announce requirements for A-E services. An A-E evaluation board set up by the agency evaluates the A-E performance data and statements of qualifications already on file, as well as those submitted in response to the announcement of the particular project. The board then must conduct "discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services." 40 U.S.C. § 543; FAR, 48 C.F.R. § 36.602-3(c). Thereafter, the board recommends to the selection official no less than three firms deemed most highly qualified in order of preference. FAR, 48 C.F.R. § 36.602-3(d).

The selection official, with the advice of appropriate technical and staff representatives, then must list in the order of preference the firms considered most highly qualified to perform the required work. Negotiations are held with the firm ranked first. If the agency is unable to agree with that firm as to a fair and reasonable price, negotiations are terminated and the second ranked firm is invited to submit its proposed fee. See generally FAR, 48 C.F.R. Subpart 36.6.

GSA reports that its requirement for architectural historical conservation services consists primarily of the preparation of historical reports, design and review of projects in historic buildings, preparation of nominations to the National Register of historic places, and assistance to GSA personnel in other conservation matters. GSA announced its intention to contract for these A-E services in the Commerce Business Daily (CBD) and invited all

(footnote 1 cont'd)

requests information concerning additional qualifications with respect to a specific project. Firms without a current SF 254 on file with an agency submit both the SF 254 and the SF 255 at the time of the announcement of the particular project. These forms, and instructions for completing them, are set forth in 48 C.F.R. §§ 53.301-254, 53.301-255 (1985).

interested qualified firms to submit their SF 254 and SF 255 qualifications statements for the projects. Except for the submission of these standard forms, no other supplemental data was required by the CBD notice.

The CBD synopsis listed the following evaluation criteria: 1) project team's qualifications (45%); 2) project management (15%); 3) design and design review experience (20%); and 4) quality control (20%). GSA's Regional Screening and Slate Selection Board reviewed the submissions of the 13 firms which responded to the CBD announcement. The regional board, using the stated evaluation criteria, scored the firms and recommended the three highest ranked firms for interviews. Page was not among those three firms, having been ranked only sixth in order of preference. An A-E Evaluation Board, composed of individuals who had not served on the regional board, then conducted interviews and ranked the three firms deemed most highly qualified to perform the required services in order of preference. GSA chose ARG as the most qualified firm and published the selection results in the CBD.

When Page inquired as to why it was not chosen to be interviewed, GSA advised the firm that while its submissions (which consisted solely of SF 254 and SF 255 without additional documentation) met the requirements, other firms submitted additional information concerning their special qualifications to undertake this project, such as graphic material, photographs and previous project reports that favorably influenced the selection panel. Page then filed this protest.

Page contends that since the CBD notice did not request any information in addition to the SF 254 and SF 255, GSA improperly considered these additional submissions from competing firms. Page states that it was awarded a GSA contract 2 years ago for identical work in the Southern California area; that at that time it was ranked as the most highly qualified firm by GSA; and that it now has two additional years of experience performing historical conservation services. Page further states that it listed its past and current projects on its SF 254 and SF 255. However, since it was its "understanding" that federal procurement policy discourages the submission of office brochures, reports and supplemental information unless specifically requested, it relied on the standardized format of SF 254 and SF 255 and did not submit any other information supporting its special qualifications for this project. Page considers GSA's evaluation of additional

materials submitted by other firms to be "misguided" and a "distortion of the selection process."

We find the contentions by Page to be without merit. First, the CBD notice, while it did not request supplemental information, stated that for the evaluation criterion "Quality Control," the following would be evaluated: "quality of previous work including research methods, reports, graphics analysis and similarity with proposed work." We think it is reasonably implicit in this stated evaluation scheme that additional types of submissions (e.g., reports and graphics), in addition to the information contained in the four corners of SF 254 and SF 255, would be important considerations for evaluation purposes. Second, the instructions for SF 255 expressly state as follows:

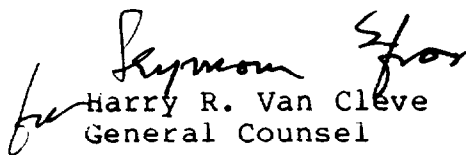
"10. Through narrative discussion, show reason why the firm or joint venture submitting this questionnaire believes it is especially qualified to undertake the project. Information provided should include, but not limited to . . . special approaches or concepts developed by the firm relevant to this project, etc. Respondents may say anything they wish in support of their qualifications. When appropriate, respondents may supplement this proposal with graphic material and photographs which best demonstrate design capabilities of the team proposed for this project." (Emphasis in original.)

It is apparent that the other firms, by submitting supplemental information, were merely following the instructions given to all firms in completing the standard forms. In addition, since SF 254 and SF 255, and their instructions, are published in the Federal Register, Page was on constructive notice of their contents even assuming lack of actual notice through oversight. See A.C. Mfg. Co., B-186298, Aug. 9, 1976, 76-2 CPD 137. Accordingly, we find that the other firms properly submitted supplemental information about their special qualifications for the project and that GSA properly considered this supplemental information for evaluation purposes. We therefore deny this protest ground.

Finally, in its comments on GSA's report on this protest, Page argues that GSA failed to consult its existing files concerning Page's performance under its current contract.

The record is not clear as to what, if any, existing agency data files were used during evaluation. However, it appears from the record that GSA's A-E Evaluation Board was indeed significantly influenced by the more comprehensive submissions of other firms which led to ARG and other firms being rated as more highly qualified than Page. For example, under the evaluation criterion "Quality Control," GSA states that Page received a considerably lower score than did the top rated firms. According to GSA, this is because Page's decision not to provide more materials to show clearly the quality of its previous projects put it at a competitive disadvantage with other firms which submitted extensive graphic material and reports. The contracting officer reports that Page "simply did not make as strong a showing" as several of its competitors, which, the evaluators found, demonstrated greater key team member "depth and/or experience with historic projects" as well as other relatively superior qualifications. Based on our review of the record, including the extensive information submitted by the successful firm, we cannot conclude that GSA's evaluation was arbitrary or unreasonable or that it did not conform to the stated evaluation scheme. See Dillon Engineers, Inc., B-209687, Mar. 16, 1983, 83-1 CPD ¶ 268. The record supports GSA's assertion that Page's relatively low scores were the result of its failure to submit sufficient detailed information concerning its special qualifications to undertake the project, and Page has presented no evidence to the contrary. Accordingly, the protester has failed to carry its burden of affirmatively proving its case that its low scores were the result of other than legitimate evaluation. Id.

The protest is denied.


Harry R. Van Cleve
General Counsel