



The Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: CACI, Inc.-Federal

File: B-225444

Date: January 13, 1987

DIGEST

Protest that technically acceptable proposal, lower in cost than awardee's, was improperly not selected for award is denied since the successful proposal reasonably was considered better technically and technical considerations under the solicitation were of greater importance to the government than cost.

DECISION

CACI, Inc.-Federal (CACI), protests the award of a requirements contract to Berlitz Language Centers of America, Translation Services Division (Berlitz), by the Department of Justice (DOJ) under request for proposals (RFP) No. JREIR-86-R-0031. The RFP was for providing on-site interpreter services in numerous foreign languages for administrative immigration proceedings nationwide for a period of approximately 1 year with options for 4 additional years. Although DOJ has not released any detailed information to the protester concerning the evaluation of proposals, because it believes this information to be privileged, CACI nevertheless asserts that DOJ failed to follow its announced criteria in evaluating proposals and that CACI should have received the award as the lower-cost technically acceptable offeror.

We deny the protest.

The RFP provided that the selection of the successful offeror would be made on the basis of price and other factors; the government reserved the right to award a contract to other than the offeror submitting the lowest total price and to award the contract to the offeror whose proposal represented the "greatest value" to the government. The RFP, which contemplated the submission of separate technical and business management proposals, stated that technical quality was the most significant evaluation factor while cost was the least

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important factor. The solicitation's instructions for preparation of technical proposals cautioned offerors that technical proposals should be "specific and complete," and should address the stated evaluation factors. The solicitation listed the following three technical evaluation criteria and their respective weights:

1. Personnel Qualifications (35 percent)
2. Technical Approach (35 percent)
3. Corporate Experience (30 percent)

The solicitation also cautioned offerors that as proposals become more equal in technical merit, the evaluated cost would become more important. In this respect, the solicitation stated that options would be evaluated by adding the total price of the services for the option periods to the total price of the services for the basic period.

Four firms submitted proposals. DOJ evaluated the initial technical and cost proposals, and subsequently also evaluated best and final offers which were only requested from CACI and Berlitz. DOJ rated the technical proposal of Berlitz to be technically superior to the proposal of CACI in all three technical evaluation areas. The evaluation results of the best and final offers (two rounds) from a cost standpoint were as follows:

<u>Offeror</u>	<u>Best and Final Offer</u> (including options)
CACI	\$3,663,270.00
Berlitz	\$4,048,194.00

Thus, CACI was low in cost by \$384,924 for the 59-month performance period. Based on the technical superiority of the Berlitz technical proposal, DOJ determined that award should be made to Berlitz despite its higher price.

CACI disputes this determination by DOJ. We will limit our discussion to the major findings of the DOJ technical evaluators with respect to the proposals of Berlitz and CACI.

As a preliminary matter, DOJ, in its agency report, and although the contract had already been awarded to Berlitz, classified both the Berlitz and the CACI proposals and all evaluation documents as privileged and not releasable outside our Office. Since under these restrictions we would not be able to write a decision except in the most vague terms, we contacted DOJ and requested clarification and an explanation for these restrictions. DOJ stated that it was concerned that, should our Office recommend resolicitation of this

requirement, no firm receive a competitive advantage from released information. Otherwise, DOJ does not object to release of this information in our decision. Since we are denying the protest, we are therefore releasing the major findings of the DOJ technical evaluators although we still will withhold details unnecessary to our decision. However, our decision is based on a review of all relevant reports and exhibits submitted to our Office by DOJ.

DOJ evaluators, in evaluating proposals with respect to personnel qualifications (factor 1), found that Berlitz proposed stringent screening, testing, and evaluation of prospective interpreters. Specifically, Berlitz, which has locations nationwide, proposed to screen all applicants on the basis of educational level, work experience, and references followed by personal face-to-face interviews and oral testing of interpreters. Berlitz also proposed to give applicants instructions and a briefing in ethics and courtroom procedures prior to being assigned to a courtroom. The evaluators found that CACI, on the other hand, has a centralized operation which does not allow the firm to personally interview and test applicants. Rather, CACI screens and test applicants only by telephone which DOJ feared could result in the selection of unqualified interpreters. With respect to administrative staffing, the DOJ evaluators found that Berlitz proposed to provide 316 hours of administrative support per week among eight translation and language centers while CACI only proposed to provide between 109 and 150 hours of administrative support per week.

With respect to technical approach (factor 2), the evaluators noted that Berlitz had a large decentralized staff throughout the country in 72 locations and proposed operational hours of 6 a.m. to 10 p.m. (EST). CACI, with its centralized location, proposed fewer operational hours. The evaluators also found that Berlitz had in place an automated billing system which would permit Berlitz to submit timely invoices correlated to a bi-weekly billing cycle. CACI currently has a manual billing system. Further, DOJ evaluators found that while Berlitz recruits from all 72 of its locations, CACI uses only one person (less than full time) for recruiting.

Regarding corporate experience (factor 3), the evaluators found that Berlitz had extensive experience (more than 100 years) as a corporation whose primary function is providing interpreter services. Further, DOJ determined that Berlitz demonstrated more extensive experience in courtroom interpreter services than did CACI whose experience primarily was limited to its incumbent administrative immigration interpreter services.

The contracting officer accepted the findings of the technical evaluators and Berlitz was awarded the contract because its proposal was judged to be superior in all major technical areas and was therefore the most advantageous as a whole despite its higher cost.

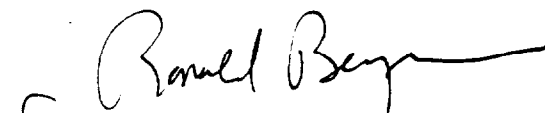
In reviewing selection decisions, we have pointed out that the contracting agency is primarily responsible for determining which technical proposal best meets its needs, since it must bear the major burden of any difficulties incurred by reason of a defective evaluation. Training Corp. of America, Inc., B-181539, Dec. 13, 1974, 74-2 CPD ¶ 337. Accordingly, we consistently have held that procuring officials enjoy a reasonable range of discretion in the evaluation of proposals and in the determination of which offer or proposal is to be accepted for award, and that such determinations are entitled to great weight and must not be disturbed unless shown to be unreasonable or in violation of the procurement statutes or regulations. See METIS Corp., 54 Comp. Gen. 612 (1975), 75-1 CPD ¶ 44. Further, where the solicitation indicates that technical excellence is more important than cost considerations to the procuring agency, we have upheld awards to concerns submitting superior technical proposals even though the awards were made at costs higher than those proposed in lower rated technical proposals. See Riggins & Williamson Machine Co., Inc., et al., 54 Comp. Gen. 783 (1975), 75-1 CPD ¶ 168.

As stated previously, DOJ has not released any of its evaluation reports to the protester. Thus, the principal factual basis for CACI's allegations concerning improper evaluation is CACI's claim to be a highly experienced firm with 2 years of experience in providing interpreter services to DOJ as the incumbent. According to CACI, this experience should have afforded the firm an "enormous technical advantage" over other competing firms and, based on this assumption, CACI therefore suggests that its proposal must have been misevaluated. Our review of the record provides no legal basis to object to DOJ's decision. Our review indicates that DOJ strictly adhered to the stated RFP evaluation criteria and that CACI's proposal was evaluated technically inferior to the Berlitz proposal. Further, it appears to us that the DOJ evaluators could rationally evaluate the proposals as they did. For example, the Berlitz proposal indicates that Berlitz does offer a nationwide network of locations from which it proposed stringent screening, testing, and evaluation of prospective interpreters, including face-to-face interviews. CACI admits that it relies on the telephone for recruiting. While CACI argues that recruiting

by telephone meets the solicitation's minimum requirements, we find that there is a rational basis for DOJ to rate the Berlitz proposal superior to the CACI proposal in this area. As a further example, we have verified that the Berlitz proposal demonstrates much more extensive experience in courtroom interpreter services than does CACI's proposal. Again, while CACI argues that it meets the minimum requirements for corporate experience set forth in the solicitation, we find that DOJ could rationally have rated the Berlitz proposal, representing 100 years corporate experience in interpreter services, to be superior. Moreover, Berlitz offered an automated billing system and more hours of administrative support than did CACI.

In short, we think that the record indicates that DOJ reasonably evaluated the Berlitz proposal as technically superior.^{1/} The fact that the protester objects to the evaluation, and perhaps believes its own proposal was better than as evaluated by DOJ, does not render the evaluation unreasonable. Honeywell, Inc., B-181170, Aug. 8, 1974, 74-2 CPD ¶ 87. We have also recognized that in a negotiated procurement selection officials have the discretion to make determinations concerning cost/technical tradeoffs and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the established evaluation factors. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325. Here, we have no basis to disagree with DOJ that the technically superior Berlitz proposal merited the premium cost of \$384,924.

The protest is denied.


for Harry R. Van Cleave
General Counsel

^{1/} CACI also complains that DOJ improperly penalized the firm for not having certain K'anjobal (a Mayan Indian language) interpreters on the East Coast. CACI alleges that it did comply with this requirement. However, based on our review of the evaluation documents, we find this to be a minor issue which would not have affected the ultimate selection of the successful offeror. Since Berlitz clearly demonstrated technical superiority in all major areas, we find that there is no basis to conclude that any misevaluation concerning the K'anjobal interpreters could have prejudiced CACI by depriving the firm of an award to which it was otherwise entitled. See Employment Perspective, B-218338, June 24, 1985, 85-1 CPD ¶ 715; Lingtec, Inc., B-208777, Aug. 30, 1983, 83-2 CPD ¶ 279.