



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: ICOS Corporation of America

File: B-225392

Date: February 10, 1987

DIGEST

1. Award on the basis of highest total point score is not required by a solicitation that contains a formula for scoring technical and price proposals but does not state that award will be made to the offeror receiving the highest total point score, and instead provides that the offer which represents the best combination of technical merit and price will be selected for award.

2. A contracting officer properly may decide in favor of a technically lower rated proposal in order to take advantage of its lower price, even though price was the least important evaluation criterion, where he reasonably determines that the cost premium involved in making an award to the higher rated, higher priced offeror is not justified in light of the acceptable level of technical competence available at the lower cost.

3. Where a solicitation provides for award on the basis of highest total point score, point scores properly may be carried out two decimal places in order to break a tie score between the two highest rated proposals. Therefore, award to the lower technically rated, lower cost proposal that received a total score .02 points higher than the protester's, is proper, even though price was the least important evaluation criterion.

DECISION

ICOS Corporation of America protests the Department of the Interior's contract award to Bauer of America Corporation and Raymond International Builders, Inc., (Bauer-Raymond), a joint venture. The award was made under request for proposals (RFP) No. 6-SP-30-04690 for construction of cutoff walls near the New Waddell Dam, Arizona. ICOS alleges that the RFP provided for award to the offeror receiving the highest total point score based on an evaluation of technical and cost proposals. ICOS also alleges that it received the

highest total point score, and therefore, that the award to Bauer-Raymond was improper. We deny the protest.

BACKGROUND

The RFP provided that the final step in the evaluation process would be "the selection of that offer which represents the best combination of technical merit and related price taking into consideration other factors." It also provided that technical merit would be weighted at 70 percent and price at 30 percent, and set forth the following method of scoring proposals:

Technical Score = Concrete Diaphragm Wall
Construction Score + Key Personnel Score +
Corporate Experience Score + Safety Score
(maximum of 100 pts.)

Price Score = $\frac{\text{Lowest Offer}}{\text{Individual Offer}} \times 100$ (maximum of 100
points)

Final Score = (Technical Score x 0.7) + (Price
Score x 0.3) (maximum of 100 pts.)

Applying this formula, the agency evaluated the final total scores of Bauer-Raymond and ICOS as follows: --

	<u>Technical</u>	<u>Price</u>	<u>Total</u>
Bauer-Raymond	56.7	30	86.7
ICOS	61.6	25	86.6

ICOS asserts that its price score actually should have been 25.1, which would result in a tie score between it and Bauer-Raymond. In addition, ICOS notes that the handwritten score sheets prepared by the technical evaluators show that ICOS received a total raw technical score of 88.5 and that its evaluated technical score therefore should be 61.95 (88.5 x .7), rather than 61.6. This would give ICOS a higher total score than Bauer-Raymond. (61.95 + 25.1=87.05)

The agency essentially agrees that ICOS' price score should be 25.1, but notes that to be completely accurate, the score actually should be 25.08. Further, the agency states that ICOS' correct raw technical score is 88, not 88.5. The agency states that the 88.5 handwritten score recorded by the evaluators resulted from an arithmetic error. Interior emphasizes that computer score sheets actually were used in calculating the final scores for evaluation and award purposes, and that the sheet for ICOS shows the correct total

of 88 points. The agency concludes that ICOS' correct score should be 86.68 (61.6 (technical) + 25.08 (price)), and contends that under these circumstances, the award to Bauer-Raymond, at a score of 86.7, was proper.

In addition, Interior asserts that the RFP in fact did not state that award would be made to the offeror receiving the highest total point score. Accordingly, the agency argues that even if ICOS' price score is rounded off to 25.1, resulting in a tie score with Bauer-Raymond, it was well within the contracting officer's discretion to award to the low cost offeror, Bauer-Raymond.

MERITS

Our examination of the record, which includes the handwritten score sheet as well as the computer score sheet, shows that ICOS' correct raw technical score is 88 points. It is apparent that an error in the handwritten score sheet was made in totaling the individual scores given ICOS by several of the evaluators. When these arithmetic errors are corrected, as they were in the computer score sheet, ICOS' total raw technical score is 88 points, not 88.5. Accordingly, its evaluated technical score of 61.6, as calculated by the agency, is correct. --

However, as the agency acknowledges, ICOS' price score was incorrectly calculated and actually should have been 25.08, or 25.1, if rounded off. When the rounded off price score of 25.1 is added to ICOS' technical point score of 61.6, ICOS' total point score is tied with Bauer-Raymond's total point score of 86.7. Although ICOS contends that under these circumstances the award to Bauer-Raymond was improper, we disagree.

First, as the agency points out, the RFP did not provide for award on the basis of highest total point score. While the RFP did contain a formula for point scoring proposals, it did not state that award would be made to the offeror receiving the highest total score, but instead stated that the offeror representing the best combination of technical merit and price would be selected for award. Accordingly, the point scores were merely guides for decision making by the source selection official, who had the discretion to determine whether the technical advantage associated with ICOS' proposal was worth the extra cost associated with the proposal. See Telecommunications Management Corp., 57 Comp. Gen. 251 (1978), 78-1 CPD ¶ 80; see also Harrison Systems Ltd., 63 Comp. Gen. 379 (1984), 84-1 CPD ¶ 572; Hager, Sharp & Abramson, Inc., B-201368, May 8, 1981, 81-1 CPD ¶ 365. This


discretion existed notwithstanding the fact that price was the least important evaluation factor. See AMG Associates, Inc., B-220565, Dec. 16, 1985, 85-2 CPD ¶ 673.

The record shows that the contracting officer determined that Bauer-Raymond should receive the award because its technical proposal was scored second highest and was fully acceptable, and its price was more than \$1,000,000 lower than ICOS' price. Thus, while Bauer-Raymond's point score was incorrectly calculated for award purposes as .1 point higher than ICOS', ICOS was not prejudiced by this error since point scores were not the only basis for the award decision. Rather, the contracting officer made a considered judgment that the cost premium involved in making award to ICOS was not justified in light of the acceptable level of technical competence available at a lower cost from Bauer-Raymond. This is the kind of decision making which is vested in the discretion of selection officials, and we find no basis to object to it here. See AMG Associates, Inc., supra, 85-2 CPD ¶ 673.

Furthermore, even if we accept ICOS' assertion that the RFP provided for award on the basis of highest total point score, we still find no reason to object to the award decision. As the agency points out, if ICOS' price score is adjusted from 25 to 25.08 to correct the error in its evaluated score, Bauer-Raymond's overall score still remains high by .02 points.

While ICOS argues that its price score should be rounded off to 25.1, thus creating a tie between the two offers (which ICOS asserts should be decided in its favor), we do not agree. First, we note that carrying out the price score two decimal places is consistent with the method used by the agency in evaluating technical proposals.^{1/} Moreover, we consider this a logical approach to breaking the tie that otherwise results from rounding off ICOS' price score. Accordingly, we find that even assuming the RFP required that award be made on the basis of highest total point score, the award to Bauer-Raymond was proper.

Accordingly, the protest is denied.

for 
Harry R. Van Cleave
General Counsel

^{1/} While this is not reflected in the technical scores of the protester and awardee as their technical scores resulted in only one decimal place in any event, the other two offerors in the competitive range received technical scores of 54.19 (rounded off from 54.194) and 54.08 (rounded off from 54.075).