



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of:      Diversified Contract Services, Inc.  
File:            B-227555.3  
Date:            November 25, 1987

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### DIGEST

1. Where record indicates that agency evaluated protester's proposal in accordance with established criteria set forth in solicitation and the evaluation was reasonable, protest based on an offeror's disagreement with the evaluation is denied.
2. Protest that agency failed to conduct adequate discussions in areas of weaknesses is without merit, where, in response to agency's questions designed to lead protester into areas of weakness found in its proposal, protester intentionally chose not to augment its proposal for reasons of business judgment.
3. Technical evaluation must be based upon information provided in the proposal and generally may not be based upon an offeror's past performance.

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### DECISION

Diversified Contract Services, Inc. (DCSI) protests the rejection of its proposal as technically unacceptable under request for proposals (RFP) No. F34650-87-R-0570, issued by the Department of the Air Force for full food services at Tinker Air Force Base, Oklahoma City, Oklahoma. Arguing that the Air Force failed to conduct meaningful discussions with the firm, or to reasonably evaluate its proposal, DCSI contends that it was wrongfully excluded from the procurement and that therefore award was improperly made to another firm.

We deny the protest.

The RFP was issued as a modified two-step sealed bid procurement, and required offerors to simultaneously submit both a technical proposal and a sealed bid price. The RFP

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contained a performance work statement (PWS) and offerors were required to indicate, item for item, how the PWS requirements would be satisfied. Technical proposals were also to be evaluated under the following criteria: management, production, and quality. Under the terms of the solicitation, award would be made to the lowest priced technically acceptable offeror.

After the evaluation of 18 initial proposals, the technical evaluation team concluded that 3 offerors were technically acceptable, 9 offerors, including DCSI, were susceptible to being made acceptable, and 6 offerors were technically unacceptable.

Subsequent to the initial evaluation of proposals, the nine firms deemed susceptible of being made acceptable were afforded the opportunity to clarify and elaborate their proposals in an effort to achieve an acceptable rating. DCSI was informed of specific deficiencies in its proposal by letter from the contracting agency dated August 14, 1987. The August 14 letter requested, for example, that DCSI review its proposal to insure that its organizational chart was consistent with its manloading charts in the area of supervision, review its manloading charts to insure that all hours of operation were adequately covered by sufficient manhours for each specialty and to submit a description of the skills to be used by day and by shift per facility. DCSI responded to the agency's request for clarification by letter dated August 14, stating ". . . we are satisfied that our current proposal will meet the PWS requirements as currently published." Thus, DCSI intentionally made no substantive revisions to its initial proposal despite the Air Force's suggestion that it do so.

Subsequently, the technical review team reevaluated DCSI's proposal and concluded that the proposal was unacceptable. In particular, the technical evaluation team found that DCSI's proposal failed to include supervision during certain critical hours of operation, did not provide for a first cook or line server at one of the three food service areas called for in the solicitation, and failed to provide sufficient number of personnel for operation of the main dining facility. The determination as to DCSI's inadequate manpower was based on an internally generated agency evaluation plan containing minimum "model expectations" for manpower formulated by the Air Force for purposes of evaluating competing proposals. DCSI was notified by letter dated September 11 that its technical proposal was deemed unacceptable.

The protester states that it disagrees "professionally" with the Air Force's evaluation. The thrust of DCSI's argument is that its proposal was deemed unacceptable primarily on grounds that it failed to propose the minimum number of manhours called for under the evaluation plan and that this was improper since the evaluation plan was not stated in the solicitation. According to the protester, it derives its primary competitive advantage by proposing lower staff levels coupled with higher managerial efficiency resulting in a lower overall cost. Consequently, the protester argues that it could have accomplished contract performance in accordance with the solicitation's PWS notwithstanding the fact that it failed to propose what the technical evaluators considered the minimum manning levels.

The protester also argues that the agency should have considered its allegedly outstanding performance on other similar government food service contracts in evaluating its proposal for purposes of this solicitation since its management method has been the same under such previous contracts.

We believe that the agency had a reasonable basis for rejecting the protester's proposal. In reviewing protests against allegedly improper evaluations, this Office will not substitute its judgment for that of the contracting agency's evaluators, who have wide discretion, but rather will examine the record to determine whether the evaluators' judgments were reasonable and in accord with listed criteria, and whether there were any violations of procurement statutes and regulations. Anchor Conveyors, Inc., et al., B-215624.2, Oct. 23, 1984, 84-2 CPD ¶ 451. Moreover, the fact that a protester does not agree with an agency's evaluation of its proposal does not render the evaluation unreasonable or contrary to law. See The International Association of Firefighters, B-224324, Jan. 16, 1987, 87-1 CPD ¶ 64.

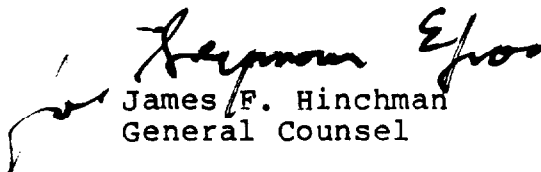
Of primary concern to the Air Force in this procurement was the provision of sufficient manning during critical timeframes as well as around the clock supervision of its dining facility. For example, the PWS provided that main cafeteria lines should be able to accommodate five patrons per minute and short order and breakfast lines be able to accommodate three patrons per minute. DCSI proposed only one server for each line (main and short order) during lunch hour, which the Air Force considered unacceptable based on its experience with past contractors. The PWS also provided that dining room tables be cleared within 4 minutes after being vacated. DCSI proposed only two "bussers" for clearing and cleaning tables during the busiest hours. The technical evaluation team concluded that DCSI would be unable to meet

these stated requirements after comparing its proposal to the minimum manning requirements outlined in the technical evaluation plan. In our opinion, the record shows that the judgment of the technical evaluation team in reaching this conclusion was reasonable. Moreover, we do not believe it to be legally objectionable for the agency to have compared DCSI's proposal to the model expectations prepared for purposes of proposal evaluation since an agency need not articulate such model expectations within the solicitation. Intelcom Support Services, Inc., B-225600, May 7, 1987, 87-1 CPD ¶ 487.

We also believe that the agency conducted adequate discussions with DCSI. In its August 14 letter, the agency specifically requested that DCSI provide further information in precisely those areas of DCSI's proposal which were ultimately found technically deficient. We believe that the agency therefore discharged its obligation, as outlined in the Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.503-(f)(1) (1986), to request from DCSI additional clarifying information with regard to the technical deficiencies concerning manpower found in its proposal. The fact that DCSI chose not to change or explain its proposal in response to the agency's questions is, in our opinion, strictly a matter of that firm's business judgment.

Finally, we believe DCSI's allegation that the Air Force should have considered its performance on other government contracts in evaluating its proposal to be without merit. A technical evaluation must generally be based on information submitted with the proposal. Regardless of how capable an offeror may be, if it does not submit an adequately written proposal, the proposal will not be considered acceptable. See generally Health Management Associates of America, Inc., B-220295, Jan. 10, 1986, 86-1 CPD ¶ 26.

The protest is denied.

  
James F. Hinchman  
General Counsel