



The Comptroller General
of the United States

Washington, D.C. 20548

Goldman - PL

Decision

Matter of: Halifax Security Services

File: B-228808

Date: November 25, 1987

DIGEST

Agency reasonably rejected a proposal as unacceptable under step one of a two-step sealed bid acquisition where the offeror, relying upon the government's experience with it as a provider of a similar requirement, failed to provide specific information required by the solicitation for technical evaluation.

DECISION

Halifax Security Services protests the rejection of its technical proposal under request for technical proposals (RFTP) No. DE-RP01-87DP30380, the first step of a two-step sealed bid acquisition issued by the Department of Energy (DOE) for security services at two DOE facilities. Halifax contends that instead of being rejected as unacceptable, its technical proposal should have been rated unacceptable but susceptible of being made acceptable and DOE should have held discussions with Halifax.

The protest is denied.

Under a two-step procurement, the first step consists of the request for, submission, evaluation, and (if necessary) discussion of a technical proposal to determine the acceptability of the supplies or services offered. No pricing is involved. The second step is a price competition in which sealed bids are invited from those firms which submitted acceptable technical proposals in step one. Federal Acquisition Regulation, 48 C.F.R. § 14.501 (1986).

DOE received timely technical proposals from three offerors, including Halifax, the incumbent provider of security services at one of the DOE sites listed in the RFTP. DOE found Halifax's technical proposal unacceptable because, unlike the other two technical proposals, it failed to address or give meaningful detail for a considerable number of significant items required by the RFTP. Halifax was

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notified on August 4, 1987, that it no longer would be considered for award. The other two technical proposals were found susceptible of being made acceptable and discussions were conducted with the two offerors remaining in the competition.

On August 11, Halifax submitted to DOE a set of unsolicited clarifications and corrections to its initial technical proposal. On August 13, revised technical proposals were received from the two offerors still in the competition and on August 17 the contracting officer returned Halifax's unsolicited proposal data. Halifax filed its protest in our Office on August 18.

In its protest Halifax admits that its initial technical proposal was unacceptable, stating that it had failed to properly manage its proposal preparation function. Halifax states:

"There is no question whatsoever that had Halifax devoted the appropriate attention to the preparation of the proposal prior to the submission of step one that it would easily have been acceptable. It failed to do that. The technical proposal that the Government has labeled unacceptable very likely is unacceptable. Halifax does not quarrel with that, but it is unacceptable only because of an administrative anomaly, not the lack of the ability to make it acceptable."

Halifax contends that the contracting officer should have considered Halifax's past experience as the incumbent contractor at one of the DOE sites to determine that Halifax's otherwise unacceptable proposal was susceptible of being made acceptable. Halifax argues that when two offerors, one with little or no relevant experience and the other with extensive relevant experience, submit proposals with identical deficiencies, they must be evaluated differently. Halifax states that an offeror's lack of experience may lead the contracting officer to the decision that the proposal is not susceptible of being made acceptable. Halifax argues, however, that simple carelessness may be the reason the experienced offeror submitted an unacceptable offer. Halifax contends that it would be an abuse of discretion to reject evidence about the experienced offeror which tends to show it understands what must be done in performing the contract. Halifax states that DOE has rejected available evidence, Halifax's unsolicited clarification and corrections, which shows that Halifax understands what must be done.

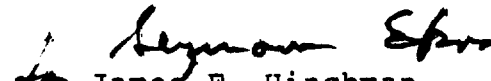
Our review of an agency's technical evaluation under an RFTP is limited to the question of whether the evaluation is reasonable. In making this assessment, we ordinarily will accept the considered judgment of the procuring activity unless it is shown to be erroneous, arbitrary or made in bad faith. ICSD Corp., B-222542, July 23, 1986, 86-2 C.P.D.

¶ 97. An agency need not consider further those offerors whose initial proposals are deemed unacceptable or not reasonably susceptible of being made acceptable through subsequent discussions; the burden is on the offeror to submit sufficient information with its initial proposal. Id. No matter how capable an offeror may be, if it does not submit an adequately written proposal addressing the solicitation's requirements in sufficient detail for the necessary technical evaluation, it need not be considered in line for further discussions and may be deemed unacceptable. C.A. Parshall, Inc., B-200334, Feb. 19, 1981, 81-1 C.P.D.

¶ 112. Accordingly, an offeror's failure to translate whatever capabilities it may have accrued from its incumbency into an initial proposal properly may result in rejection of the proposal. Id.

Halifax's proposal, which it admits was unacceptable, was properly rejected without discussions. The burden is on the offeror to submit sufficient information with its initial proposal and Halifax failed to meet this burden. ICSD, Corp., B-222542, supra. See also Baker & Taylor Co., B-218552, June 19, 1985, 85-1 C.P.D. ¶ 701.

The protest is denied and, therefore, the claim for the costs of filing and pursuing the protest is also denied.


James F. Hinchman
General Counsel