



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Educational Complex System
File: B-228584
Date: January 13, 1988

DIGEST

1. Protester's objection that awardee improperly obtained information from protester and from the procuring agency is based on speculation and does not provide a basis upon which to challenge the award.
2. General Accounting Office will not disturb an agency's technical determination absent evidence indicating that the agency's evaluation was unreasonable.
3. Allegation that contractor will not be able to supply the required services without asking the agency to provide office facilities and funding increases involves questions of contract administration which the General Accounting Office does not review.

DECISION

American Educational Complex System protests the award of a contract to LD Research Corp. under request for proposals (RFP) No. DAJB03-87-R-3315, issued by the United States Army for a continuing education system learning center and test examination services in the Republic of Korea. We deny the protest in part and dismiss it in part.

American makes several allegations primarily concerning improper conduct by LD Research. The protester contends that LD Research's director used his military identification card to gather information concerning this solicitation through improper channels, including unauthorized conversations with an education service officer who was a member of the evaluation team for this procurement. American has not offered any evidence to support its allegation. It has not referenced the information gathered, the name of the evaluation team member or the substance of the alleged conversations. The Army has denied American's allegation and has supplied the affidavits of the education service officers

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who were evaluation team members, all of whom deny that any such conversations took place with an LD Research representative prior to award. Thus, it appears that American's allegation in this regard is speculative. Our Office will not sustain a protest that is based on speculation. Mount Pleasant Hospital, B-222364, June 13, 1986, 86-1 CPD ¶ 549.

American also alleges that LD Research's director, a former American employee, gathered information from current American employees concerning the solicitation. The protester has submitted the statements of several employees which state that the employees had talked with LD Research's director. None of those statements, however, indicate that the substance of the conversation was improper, or that an agency representative was involved. Hence, this provides no basis upon which to object to the award to LD Research.

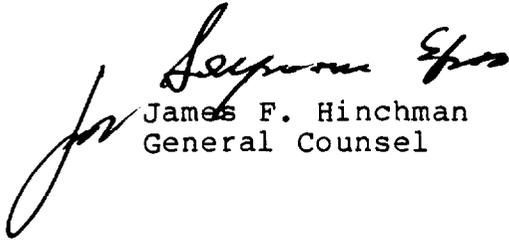
The protester contends that the awardee will in the future be making "requests for increases based on workload," and will "pressure" the Army to supply office facilities. We find that these are also unsubstantiated allegations based on pure speculation and in any event involve matters related to contract performance and administration which we do not review. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(1) (1987).

Finally, American asserts in response to the agency report that the Army did not thoroughly evaluate LD Research's proposal. In particular, American questions the Army's evaluation of LD Research's proposal in the areas of organizational experience and the experience of its personnel. In the first instance, the protester notes that LD Research has no experience in conducting these educational activities in an overseas location. As far as personnel experience is concerned, the protester states that LD Research's proposed director had been employed as an instructor and a regional administrator. The protester argues that neither position would have provided the director with experience in the operation of educational services which was one of the stated evaluation criteria.

In reviewing protests against the propriety of an agency evaluation of proposals, it is not the function of our Office to independently evaluate those proposals. Ira T. Finley Investments, B-222432, July 25, 1986, 86-2 CPD ¶ 112. Therefore, we will not disturb the agency's conclusion unless it is shown to be unreasonable. Delaney, Siegel, Zorn & Associates, Inc., B-224578, Dec. 23, 1986, 86-2 CPD ¶ 708. The protester bears the burden of showing that the evaluation is unreasonable and the mere fact that it disagrees with the agency does not render the evaluation unreasonable. Id.

After best and final offers were received, the Army found that both offerors were technically acceptable and therefore made award to LD Research based on lowest price. The agency determined that the experience of LD Research and its proposal director, were sufficient to satisfactorily perform the required services in Korea. We have no basis upon which to conclude that its judgment was not reasonably based.

The protest is denied in part and dismissed in part.

James F. Hinchman
General Counsel