



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Programmatics, Inc.; Telesynetics Corporation

File: B-228916.2; B-228916.3

Date: January 14, 1988

DIGEST

Agency's contracting officer had inadequate basis for contract award where award decision was based on inadequately documented evaluation team report and recommendation.

DECISION

Programmatics, Inc. and Telesynetics Corporation protest the award of a contract to Touche Ross & Company under request for proposals (RFP) No. DACW38-87-R-0042. The RFP was issued by the Department of the Army requesting fixed-priced offers to prepare an integrated master plan to meet the communication needs (audio, data, radio, satellite and video) of the Army Corps of Engineers in the Lower Mississippi Valley.

The protests are sustained on the basis that the Army did not adequately justify its source selection.

On May 8, 1987, the Army issued the RFP as an unrestricted solicitation. The RFP provided that proposals would be evaluated in two phases stipulating that, in phase I, proposals would be evaluated and assigned points based on the four criteria listed below.

a. Availability of specialists with extensive experience in the disciplines necessary to accomplish the project. These disciplines include voice, data, radio, satellite, and video communications.

b. Amount of experience in developing integrated communications plans.

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- c. Cost (i.e., proposed price).
- d. Ability to respond to project schedule.

The RFP stated that the criteria, as presented above, were listed in descending order of importance, with a. and b. having equal importance. The specific point values assigned to each criterion were not revealed. The evaluation scheme in the procurement plan established a maximum score of 30 points each for criteria a. and b., 25 points for criterion c., and 15 points for criterion d. The RFP provided that a competitive range would be established based on the phase I evaluation.

The RFP stipulated that during phase II, all offerors in the competitive range would be evaluated based on the same criteria used in phase I; however, in phase II the relative importance of the criteria was revised as presented below in descending order of importance, with b. and c. having equal importance.

- a. Cost (i.e., proposed price).
- b. Availability of specialists with extensive experience in the disciplines necessary to accomplish the project. These disciplines include voice, data, radio, satellite, and video communications.
- c. Amount of experience in developing integrated communications plans.
- d. Ability to respond to the project schedule.

Again, the specific point values assigned each criterion were not revealed. The procurement plan for phase II established a maximum score of 50 points for criterion a., 20 points each for criteria b. and c., and 10 points for criterion d. Section M-4 of the RFP stated that the contract would be awarded to the highest evaluated offeror.

On or before the June 8 closing date, the Army received 19 proposals. The proposals were given to an evaluation team comprised of five communications specialists who conducted the phase I evaluation. Each offeror was rated separately by each evaluator. The technical score awarded by the team was determined by calculating a numerical average of the individual evaluators' scores. The following table reflects the phase I scores the evaluation team awarded to Programmatic, Telesynetics, and Touche Ross.

<u>Offeror</u>	<u>Technical Score</u> (Max. 75 pts)	<u>Cost/Price Score</u> 1/ (Max. 25 pts)	<u>Overall Score</u> (Max. 100 pts)
Touche Ross	72.6 (97%)	2.53 (\$232,500)	75.13
Telesynetics	52.2 (70%)	7.79 (75,600)	59.99
Programmatics	53.4 (71%)	5.97 (98,675)	59.37

Based on the phase I evaluation the Army determined that Touche Ross, Telesynetics and Programmatics, along with four other offerors, were within the competitive range.^{2/} The other 12 offerors were eliminated from the competition. The Army states it conducted telephonic discussions with the offerors in the competitive range and, by letters dated July 7, each of these offerors was advised of the weaknesses of its proposal and asked to submit a best and final offer (BAFO). Our review of the record leads us to conclude that the Army's actions constituted meaningful discussions.^{3/}

The same evaluation team which conducted the phase I evaluations reviewed the BAFOs in phase II. Again, the technical score awarded each offeror was determined by averaging the individual evaluators' scores. The results of the phase II evaluation are summarized below.

1/ The cost/price score awarded each offeror in phase I was determined by dividing the offeror's price by the lowest price proposed in phase I, and multiplying the resulting factor by 25 (the maximum possible score for price in phase I). We have questioned the use of this ratio comparison method where all offerors' prices, including those of offerors who have submitted unacceptable proposals, are considered. GP Taurio, Inc., B-222564, July 22, 1986, 86-2 C.P.D. ¶ 90; First Ann Arbor Corporation, B-194519, Mar. 4, 1980, 80-1 C.P.D. ¶ 170.

2/ Our decision today does not address the Army's evaluation of the other four offerors in the competitive range.

3/ Although Programmatics contends that no meaningful discussions were conducted, we find no merit in this allegation.

<u>Offeror</u>	<u>Technical Score</u> (Max. 50 pts)	<u>Cost/Price Score 4/</u> (Max. 50 pts)	<u>Overall Score</u> (Max. 100 pts)
Touche Ross	49.4 (99%)	22.17 (\$179,500)	71.57
Telesynetics	16.2 (32%)	50.00 (79,600)	66.20
Programmatics	21.8 (44%)	36.20 (109,943)	58.00

As the tables indicate, the percentage of technical points awarded to both Programmatics and Telesynetics in phase II decreased significantly, relative to the percentage of technical points awarded them in phase I.

The evaluation team stated that it was its consensus that Touche Ross had submitted the best technical proposal. The evaluation team recommended that award be made to Touche Ross since it had received the highest overall score in the phase II evaluation. The contracting officer expressly approved and accepted the evaluation team's recommendation and accordingly awarded the contract to Touche Ross on August 24.

Programmatics and Telesynetics both protest that the Army improperly evaluated their BAFOs in that it failed to apply the criteria as presented in the RFP and arbitrarily lowered their phase II technical scores to justify awarding the contract to higher priced Touche Ross. Each maintains that points were awarded during the phase II evaluation based on criteria other than those specified in the RFP.^{5/}

The Army denies this charge stating that the evaluation process was conducted the same in phase II as it had been in phase I. Specifically, the Army states, "The criteria for the phase I and phase II evaluations were the same, the only difference being the order of importance which was stated in the RFP. No additional criteria were used."

4/ The cost/price score awarded each offeror in phase II was determined by dividing the offeror's price by the lowest price proposed in phase II, and multiplying the resulting factor by 50 (the maximum possible score for price in phase II).

5/ One or both of the protesters also allege that the Army failed to establish minimum requirements for the evaluation criteria; discriminated against small businesses; and failed to understand or consider the information submitted. Our review of these allegations indicates they are without merit.

In considering protests against an agency's evaluation of proposals, we will not evaluate the proposals anew in order to make our own determinations as to their acceptability or relative merits. Technical Services Corporation, B-216408.2, June 5, 1985, 85-1 C.P.D. ¶ 640. However, we will examine the record to determine whether the evaluation was fair, reasonable and consistent with the evaluation criteria. T.V. Travel, Inc., et al.--Request for Reconsideration, 65 Comp. Gen. 109 (1985), 85-2 C.P.D. ¶ 640; Bendix Field Engineering Corporation, B-219406, Oct. 31, 1985, 85-2 C.P.D. ¶ 496. We will also review the documentation supporting the source selection decision to determine whether that decision was adequately supported and rationally related to the evaluation factors as required by the Federal Acquisition Regulation (FAR), 48 C.F.R. § 15.612(d)(2) (1986). Tracor Jitco, Inc., 54 Comp. Gen. 896 (1975), 75-1 C.P.D. ¶ 253; Universal Shipping Company, Inc., B-223905.2, Apr. 20, 1987, 87-1 C.P.D. ¶ 424.

In this case, the contracting officer specifically adopted the evaluation team's point scores in making the source selection. The technical score awarded each offeror by the team was the numerical average of the individual evaluators' scores, supported only by the evaluators' individual worksheets. The only stated consensus of the team was that Touche Ross submitted the best technical proposal. The Army has not released the technical evaluation worksheets to the protesters; however, our Office has conducted an in camera review of those documents. As discussed below, our review leads us to conclude that the documentation provides neither an adequate nor rational basis for the evaluation team's recommendation that award be made to Touche Ross. Accordingly, the contracting officer's decision to award, based on that recommendation, was inadequately supported.

Specifically, we found that two of the five Army evaluators awarded Programmatic's and Telesynetics' BAFOs sharply lower percentages of the technical points available in phase II than they had awarded them in phase I; yet, the narrative explanations on the evaluators' individual worksheets provided no rational basis for the scores awarded. For example, evaluator "A" awarded Telesynetics 89 percent of the total points available in the three technical categories during phase I and 0 percent of the total points possible in those technical categories during phase II. Similarly, evaluator "A" awarded Programmatic's 57 percent of the technical points possible in phase I and 10 percent of the points possible in phase II. Evaluator "B" awarded Telesynetics 57 percent of the total points possible in the three technical categories during phase I and 10 percent of the technical points possible during phase II. Similarly,

evaluator "B" awarded Programmatic 83 percent of the technical points possible in phase I and 14 percent of the technical points possible in phase II.^{6/}

In reviewing the record, we found that the narrative explanations which these two evaluators wrote on their evaluation worksheets did not support the scores they awarded. For example, in phase I, Evaluator "A" awarded Telesynetics 30 out of 30 points in the category "Amount of experience in developing integrated communications plans." The explanation for this score written by the evaluator on his worksheet states, "Company has shown a great deal of experience on very large telecommunication plans and seems to be capable of accomplishing the task." In phase II, Evaluator "A" awarded Telesynetics 0 of 20 points in the same category, this time writing as the explanation for the score, "Lists only FTS 2000 [communications project]." Our review of Telesynetics' proposal not only reveals that the evaluator's explanation for the phase II rating is inaccurate--Telesynetics' proposal listed its experience on a number of telecommunications projects in addition to the FTS 2000 project--but also indicates a striking inconsistency in this evaluator's evaluation process.

We found similar examples of inconsistent scores and narratives concerning evaluator "B". For instance, in phase I, evaluator "B" awarded Programmatic 27 of 30 points (90 percent) in the category "Availability of specialists," and wrote as the reason for the rating, "Proposal indicates experience in all disciplines - five team members." In phase II, after reviewing BAFOs, evaluator "B" awarded Programmatic 4 out of 20 points (20 percent) in this category, writing as the reason for the rating, "[Proposal offers] five specialists supplemented by three from other companies (subcontractors). One [of the three] has experience in all disciplines, others in individual areas. Original five have various experience in several disciplines." The phase I and phase II narrative explanations are virtually identical--in fact, the phase II explanation recognizes that Programmatic's BAFO enlarged its pool of available personnel--yet, evaluator "B" decreased the percentage of technical points awarded Programmatic in this category from 90 percent in phase I to 20 percent in phase II.

^{6/} We note also that evaluator "B" awarded Touche Ross 89 percent of the technical points possible in phase I and 100 percent of the technical points possible in phase II--despite the fact that Touche Ross had not changed its technical proposal in any way.

In contrast to the scores awarded by evaluators "A" and "B", the percentage of technical points awarded the protesters by the other three evaluators did not reflect this precipitous decline.^{7/} If the scores of only those other three evaluators had been considered, Touche Ross would not have been the highest evaluated offeror due to its high price and the significant weight which the evaluation scheme required be given to price in phase II.

Although our Office affords broad discretion to an agency's determination as to which offeror will best fill its needs, this does not permit an agency to conduct evaluations that are unfair, unreasonable, or inconsistent with the evaluation criteria. Bendix Field Engineering Corporation, B219406, supra.

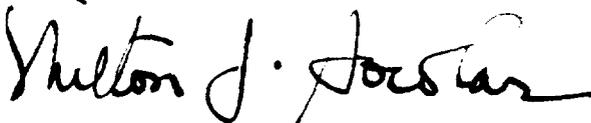
In this instance, the record shows that the protesters' initial proposals were judged to be technically acceptable and placed within the competitive range and, further, that their BAFOs responded to the questions posed by the Army. The worksheets of evaluators "A" and "B" do not explain why these two evaluators decided that the protesters' proposals, which had been determined to be technically acceptable, should be so drastically downgraded. On the record presented, we find no rational basis for this downgrading. Accordingly, we sustain the protests.

We recommend that the Army reevaluate all BAFOs consistent with the RFP criteria, and provide adequate, rational documentation supporting the scores awarded. If reevaluation results in an offeror other than Touche Ross becoming the highest evaluated offeror, the Army should terminate and reaward the contract consistent with the terms of the RFP.

Programmatics has asked that it be reimbursed for the costs it incurred in preparing its proposal. Our recommendation today provides that Programmatics' proposal will be reevaluated and considered for award. Accordingly, it has not been excluded from competition, and proposal preparation

^{7/} One of the other evaluators increased the protesters' total technical scores; another evaluator increased the scores awarded in some of the technical evaluation categories.

costs are not warranted. Bendix Field Engineering Corporation, B-219406, supra. The claim for costs is denied.

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