



The Comptroller General
of the United States

Washington, D.C. 20548

Hutchinson

Decision

Matter of: Global Valuation Service

File: B-230753

Date: June 23, 1988

DIGEST

Agency determination to reject a proposal as technically unacceptable is reasonable where the proposal does not demonstrate adequate experience in the services being solicited nor adequate manpower to carry out those services, and takes exception to several solicitation requirements.

DECISION

Global Valuation Service protests the rejection of its proposal as technically unacceptable under request for proposals (RFP) No. GS-07-P-87-HT-D-0278/7PPB, issued by the General Services Administration (GSA) for realty broker services.

We deny the protest.

The RFP contemplated award of a fixed price, indefinite quantity contract for realty broker services to provide leasable space to meet the government's space needs in two geographic areas. Separate contracts were to be awarded for each area. Section C of the RFP stated that the basic services to be provided in each area included comprehensively defining requirements, planning projects, researching the market, analyzing offers, providing negotiation strategies, assisting agencies in developing layouts of space, working with space planning contractors in developing layouts, providing management of construction, and performing space development. Each offeror was to submit its fixed price for the basic services on a per square foot basis. Additional professional services consisting of market surveys, space planning and inspections were to be priced on a per-hour basis.

The RFP provided that technical quality would be more important than price in proposal evaluation and that award would be made to the offeror whose overall proposal was most advantageous to the government. The RFP also listed, in relative order of importance, three technical evaluation criteria: (1) qualifications and experience of firm;

042529/136165

(2) key personnel qualifications and experience; and
(3) marketing plan. In addition, Section L of the RFP provided detailed instructions concerning what information each proposal should contain in relation to the three technical evaluation factors.

GSA received 19 offers. After evaluation of technical and price proposals, GSA found that 14 of the proposals, including Global's, were technically unacceptable and incapable of being made acceptable without major revisions. Global's proposal, with a technical score of 15.2, was ranked 13th out of the 19 proposals. Four proposals, scoring between 22 and 23.8 out of a possible 30 technical points, were determined acceptable and within the competitive range after evaluation of prices.

Global was notified by letter dated February 26, 1988 that its proposal was being rejected as technically unacceptable for failure to demonstrate adequate experience in the leasing market and the ability to perform multiple projects. Global responded, in a letter to the contracting officer dated March 2, that it strongly disagreed with the contracting officer's determination and contended that its proposal should be found acceptable. On March 15, Global telephoned the contracting officer's representative and was told that its proposal would receive no further consideration. Global subsequently filed its protest in our Office on March 18.^{1/}

^{1/} GSA argues that Global's protest should be dismissed as untimely because it is either based upon alleged solicitation improprieties apparent on the face of the solicitation or not filed within 10 days after the basis of the protest was known or should have been known to Global. We disagree on both counts. Global's protest is against the rejection of its proposal and not against an alleged solicitation impropriety. Global was first notified of the rejection of its proposal on February 26 and appealed to the contracting officer, in writing, for reconsideration on March 2. We consider this to have been a protest timely filed with the contracting officer. Global's subsequent protest to our Office was also timely since it was filed within 10 days of when it learned of GSA's action denying its request for reconsideration. GSA also contends that Global lacks standing to protest since it is not in line for award and, thus, not an interested party. We disagree. Global is an interested party for purposes of this protest since its protest is against the agency's rejection of its proposal; if this basis of protest is sustained, Global would be eligible for inclusion in the competitive range and an opportunity, through discussions, to eliminate deficiencies in its proposal.

Global requests that its proposal be found technically acceptable or, in the alternative, that it be awarded \$600 for its proposal preparation costs.

The GSA technical evaluation team found that although Global's proposal exhibited prior experience in the geographic areas covered by the RFP, that experience was in appraisal of property rather than in leasing of property. The team noted that all of Global's qualifications were based on the resume of one person, whose experience was only in real estate appraisal. Global failed to provide any organizational chart or plan to demonstrate experience or capability other than that of the one person whose resume was submitted in the proposal. Global did assert in its proposal, however, that it would hire additional staff should the workload require it. The evaluation panel concluded that Global's proposal, based on the resume of one person with no subcontractors identified, did not demonstrate the ability to perform the several services required in the RFP at the same time in the two geographic areas covering 11 states. GSA also concluded that Global's proposal did not exhibit the necessary experience in the inspection services required under the RFP in order to identify recognized fire hazards or violations of federal safety standards and to determine compliance with the structural and engineering requirements of the government's space needs.

GSA found that Global's proposal also took exception to certain provisions of the RFP, such as those which required the contractor to develop the statement of the government's request for space and to distribute the government's solicitation for offers of leasable space. Global stated in its proposal that its work would begin upon receipt from the government of a completed request for space, whereas the RFP requires the contractor to develop the detailed requirements of the request for space after the general requirements are provided by the government. Similarly, Global stated that when the solicitation for offers of leasable space was ready for distribution, Global would forward the mailing list to GSA for distribution, whereas the RFP requires the contractor to distribute the solicitation for offers.

Global argues that its proposal does in fact exhibit the necessary experience and knowledge of the real estate market covered by the solicitation. Global admits, in its comments on the agency report, that it is a one-man operation, but contends that it is capable of providing the services being solicited. Global alleges that the "judgment of the evaluation panel employed was such that it either overlooked and/or misunderstood the contents of [Global's] technical proposal." Global also alleges that GSA must have applied

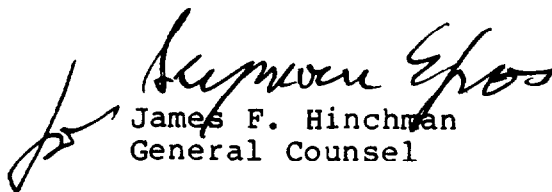
more technical evaluation criteria than those listed in the RFP. Global adds that its rather limited proposal is justified by the RFP's caution, in Section L, against the submission of elaborate proposals. Global concludes that any deficiencies in its proposal are due to information (not identified by Global) that should have been made available to it by GSA.

The evaluation of proposals and the resulting determination of the competitive range are matters within the discretion of the contracting activity, since it is responsible for defining its needs and deciding on the best methods of accommodating them. In reviewing an agency's evaluation, this Office does not reevaluate technical proposals. Emprise Corp.--Request for Reconsideration, B-225385.2, July 23, 1987, 87-2 CPD ¶ 75. Rather, we review the record to determine whether the agency's evaluation was reasonable and complied with applicable statutes and regulations.

Our review of this record, including Global's proposal, the evaluators' worksheets and the source selection report summary, supports GSA's conclusion that the proposal was deficient in the respects discussed above and could reasonably be viewed as technically unacceptable in light of those deficiencies. Global's mere disagreement with the agency's conclusions does not provide adequate grounds for overturning the agency's decision to reject Global's proposal. Further, we find no evidence of Global's assertion that evaluation criteria other than specified in the RFP were applied. We also find Global's assertion that it was not provided with adequate information needed to prepare a proposal to be unsubstantiated and without merit. In addition, the RFP's caution against unnecessarily elaborate proposals cannot reasonably be interpreted as eliminating the need for information specifically required by the RFP.

As to Global's request for its proposal preparation costs, we permit the recovery of such costs only where it is shown that an agency's action is contrary to law or regulation. 4 C.F.R. § 21.6(d) (1988). Since we find GSA's actions unobjectionable, there exists no basis for an award of costs.

The protest is denied.


James F. Hinchman
General Counsel