



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: WN Hunter & Associates, Inc.

File: B-237239

Date: January 23, 1990

DIGEST

Exclusion from the competitive range was proper where protester's technical proposal scored substantially below technically acceptable proposals within the competitive range and would require major revisions to become acceptable.

DECISION

WN Hunter & Associates, Inc., protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. ESS 89-005, issued by the National Science Foundation (NSF) for surveys of higher education institutions.

We deny the protest.

The RFP was issued for quick, limited-item surveys of approximately 1,100 institutions of higher education on topics of current policy interest in support of the needs of NSF and two other sponsors of the survey program, the Department of Education (DE) and the National Endowment for the Humanities (NEH). Eighteen overlapping surveys are to be conducted over a 5-year period, with five surveys in the first, second and third years, and three in the fourth year. The RFP advised that technical proposals would be evaluated on the basis of the following criteria: a. Understanding of Technical Requirements and Objectives; b. Organization and Management; and c. Personnel Qualifications. The RFP also advised that the differences in weight for the criteria, listed in descending order of importance, were minimal, although criteria b and c were of equal weight.

Sixteen proposals were submitted in response to the RFP, three of which, scoring 80 or more points out of 100, were determined to be technically acceptable. Only two proposals were ultimately included in the competitive range; one

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technically acceptable proposal was dropped from consideration because its proposed cost was too high. Thirteen offerors, including Hunter, were determined to be technically unacceptable and were excluded from the competitive range. After being notified of its elimination and receiving an oral debriefing, Hunter protested its exclusion to our Office.

The evaluation of technical proposals and the determination of whether an offeror is in the competitive range is a matter within the discretion of the contracting agency, since that agency is responsible for defining its needs and the best method of accommodating them. Offers that are technically unacceptable as submitted and would require major revisions to become acceptable are not required to be included in the competitive range. Comptron Research, Inc., B-235826, Sept. 25, 1989, 89-2 CPD ¶ 268. In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the record to determine whether the agency's judgment was reasonable and in accord with the solicitation's evaluation criteria. Space Applications Corp., B-233143.3, Sept. 21, 1989, 89-2 CPD ¶ 255.

The NSF technical evaluation panel determined that Hunter's proposal was technically unacceptable because it did not demonstrate that the firm had the staff or the capability to perform the required tasks, and that its management plan was inferior. Additionally, the panel noted that the proposal failed to discuss the needs and requirements of NEH and DE. Further, the panel found that Hunter's entire proposed team, especially the program manager, had limited experience with higher education surveys and limited knowledge of policy and program research in the sciences, engineering, education and humanities. Hunter's proposal received an average score of 13 points out of a possible 100 points.

We find that the agency's evaluation of Hunter's proposal was reasonable and in accord with the solicitation's evaluation criteria. In its technical proposal, Hunter states that it understands the RFP's requirements and is capable of conducting the required surveys, but does not demonstrate its ability to do so. The RFP advised that under the proposal heading "Work Plan," offerors should set forth in detail the overall plan of work, identifying and scheduling all major events and activities, indicating their interrelationships, and showing the proposed utilization of resources and personnel. Hunter's proposal, however, merely includes a very general and brief discussion of its work plan, and the flowchart of its management plan simply

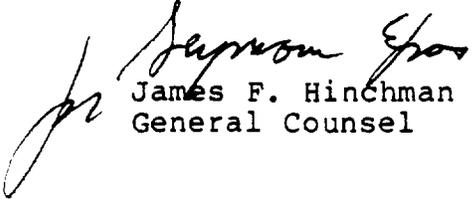
includes the schedule for 1 survey rather than the 18 overlapping surveys required by the RFP. Likewise, Hunter's discussion of its methodology is brief; it is just 11 lines long and provides no details. One of the technically acceptable proposals, on the other hand, devotes 83 pages to a detailed discussion of its methodology. The agency, therefore, was justifiably concerned that Hunter lacked the capability to perform the required surveys. In addition, nowhere in its technical proposal does Hunter mention the needs of NEH or DE; Hunter mentions only NSF. Thus, NSF was justified in its concern that Hunter had shown no understanding of the needs and requirements of NEH and DE.

With regard to Hunter's proposed survey team, the protester's technical proposal indicates that the team has limited prior experience in conducting quick surveys of higher education institutions in the four relevant areas--science, engineering, education and the humanities. Rather, Hunter's proposal indicates that the survey experience of its firm is limited to the areas of defense and contracts. In this regard, Hunter's proposal indicates that it has conducted a survey of over 200 universities in connection with the establishment of a program for the National Contract Management Association (NCMA); provided technical management services for an organization which included distributing surveys relevant to training issues; and has developed a program for the NCMA which included a survey of the private sector and 3,000 institutions of higher learning. Although Hunter asserts that NSF failed to consider this experience, the record indicates that the agency reviewed the above information and found that the experience was of marginal value and not relevant to the RFP's requirements. Specifically, the NSF found that Hunter had no experience in telephone surveys, an important method for gathering information quickly, and little understanding of the scope, nature and complexity of the work involved, or of the difficulties of dealing with the higher education system. With regard to Hunter's proposed program manager, the record confirms the agency's conclusion that he has no prior experience either in analyzing human resource and educational data or in managing surveys.

In view of the above, we find that Hunter's average technical score of 13 points out of 100 was reasonable and accurately reflected the quality of Hunter's proposal under the evaluation criteria in the RFP. Since Hunter's proposal

scored 67 points below the lowest ranked acceptable technical proposal and clearly would have required major revisions in order to become acceptable, the agency properly excluded that proposal from the competitive range. Comptron Research, Inc., B-235826, supra.

The protest is denied.


James F. Hinchman
General Counsel