



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Crawford Technical Services, Inc.

**File:** B-240383

**Date:** September 20, 1990

John M. Taffany, Esq., Bailey & Shaw, P.C., for the protester.  
Jay Ward for Intelcom Support Services, Inc., and Charles G. Taylor for The Taylor Group, Inc., interested parties.  
Major Jack B. Patrick, Esq., Department of the Army, for the agency.  
Catherine M. Evans and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Award to higher-priced offeror is unobjectionable where solicitation made technical considerations more important than cost and agency reasonably concluded that technical superiority of awardee's proposal was worth the additional cost.

## DECISION

Crawford Technical Services, Inc. protests the award of a contract to TECOM, Inc., under request for proposals (RFP) No. DAKF48-90-R-0005, issued by the Department of the Army for family housing maintenance at Fort Hood, Texas. Crawford primarily alleges that award to TECOM, whose price was higher than Crawford's, was improper, and that the agency failed properly to apply the evaluation criteria specified in the RFP.

We deny the protest.

The solicitation contemplated award of a cost-plus-award-fee contract for a base year and 4 option year periods. The RFP provided that award would be made to the firm submitting the "best overall proposal," considering "the value of each proposal in terms of the quality offered for the estimated cost." In this regard, quality was deemed "somewhat" more important than cost, but the importance of the cost factor was to increase as the quality differences between proposals decreased. The RFP advised that proposed costs would not be

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scored but would be evaluated for reasonableness and realism.

Of the 10 firms submitting initial proposals, 6 were determined to be in the competitive range; 1 firm withdrew prior to discussions. Following discussions and best and final offers (BAFOs), technical scores and estimated costs were as follows:

<u>Offeror</u>	<u>Technical Score</u>	<u>Most Probable Cost</u>
TECOM	90.45	\$34,619,517
Offeror X	89.95	35,669,701
Crawford	81.97	31,770,195
Offeror Y	79	32,770,195
Offeror Z	78	34,554,480

Although Crawford's most probable cost was almost 10 percent lower than TECOM's, the contracting officer determined that TECOM's higher-rated proposal was the most advantageous to the government, and awarded the contract to TECOM. Upon learning of the award, Crawford requested and received a debriefing. Following the debriefing, Crawford filed this protest.

Crawford alleges that the agency failed properly to apply the evaluation criteria in the RFP when it selected a higher-priced offer for award. Crawford argues that since the deficiencies in its proposal as noted in the debriefing appeared to be minor, its proposal must have been technically equal to TECOM's; this being the case, the cost factor should have assumed paramount importance and the contract awarded to Crawford since its price was lower than TECOM's.<sup>1/</sup> The agency responds that while all offers in the competitive range were technically acceptable, the difference in quality between Crawford's and TECOM's respective approaches was significant, and the superiority of TECOM's technical approach outweighed its higher cost.

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<sup>1/</sup> The Army argues that Crawford is not an interested party to protest award to TECOM because if price had been given more weight in the evaluation, as Crawford suggests it should have been, another offeror and not Crawford would have been in line for award. While the agency's argument is flawed, as Crawford's "most probable cost" is low, Crawford is an interested party notwithstanding its price, since Crawford argues that its proposal is technically equal to TECOM's; if this were true, Crawford, with its lower price, would be in line for the award.

The determination of the relative merits of proposals is primarily a matter of agency discretion which we will not disturb unless it is shown to be unreasonable. Systems & Processes Eng'g Corp., B-234142, May 10, 1989, 89-1 CPD ¶ 441. A protester's mere disagreement with the agency's judgment does not render that judgment unreasonable. Id. Furthermore, agency officials have broad discretion in determining the manner and extent to which they will make use of the technical and cost evaluation results; cost/technical tradeoffs may be made subject only to the test of rationality and consistency with the established evaluation factors. Institute of Modern Procedures, Inc., B-236964, Jan. 23, 1990, 90-1 CPD ¶ 93.

Based upon our review of the record, we find that the agency's decision to award to TECOM was reasonable. The RFP provided that price would become more important as quality differences between proposals decreased. However, the record shows that the quality difference between TECOM's and Crawford's proposals was significant. The Army identified deficiencies in Crawford's proposal under each of the three quality subfactors--technical, quality control, and management. Crawford does not take issue with any of the deficiencies cited by the Army; rather, it argues that the deficiencies are "easily correctable items that could have been specified later." However, this argument is belied by the fact that, despite being afforded the opportunity to correct these deficiencies following discussions, the deficiencies remained in Crawford's BAFO.

Specifically, in the technical area, which comprised 50 percent of the quality score, the evaluation panel noted a deficiency in Crawford's proposed staffing. Crawford responded to this deficiency in its revised proposal by showing an increase of 18 manyears in its manhour matrix. However, Crawford offered only 14 additional personnel to provide these 18 manyears and did not explain the discrepancy in its BAFO. In addition, it appeared to the agency that Crawford's reception staff would consist of 3 people working 12.5-hour shifts. Although the evaluators also noted several advantages to Crawford's technical approach--its automation system, staffing for weekend appointments, and preventive maintenance plan--these apparent staffing deficiencies indicated to the agency the possibility that Crawford did not propose sufficient personnel to perform the work. In contrast, the evaluators found no deficiencies in TECOM's BAFO response under this subfactor, noting generally that the substance and quality of the firm's proposal in this area were "superb."

Under the quality control subfactor, the agency noted that Crawford offered a quality control plan calling for certain inspections on a weekly or monthly basis, but failed to identify specific inspection techniques for each function area as required by the RFP. Crawford's plan for corrective actions was also found to be lacking in detail. Although the agency expressly requested clarification of these areas during discussions, Crawford's BAFO response indicated to the agency that Crawford still lacked an understanding of the importance of the quality control function. In contrast, TECOM's post-BAFO evaluation noted no deficiencies in this area.

Under the management subfactor, Crawford received excellent ratings in the categories of overall administration and personnel, but was found to be weak in the area of phase in/phase out. Crawford's proposal lacked detail as to how each major function would be phased out and transferred to the successor contractor, even after the agency requested clarifications to that effect, indicating to the agency a risk that service would be interrupted. TECOM's proposal, on the other hand, provided a detailed phase in/phase out plan fully responsive to the agency's concerns.

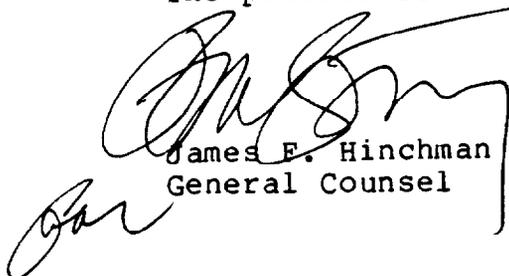
In the final analysis, then, Crawford's proposal was deficient in three significant areas--staffing, quality control and likelihood of uninterrupted service. Although Crawford maintains these were minor, correctable deficiencies, it remains that it did not correct them in its BAFO. We find no other basis for questioning the Army's conclusion that TECOM's proposal was technically superior to Crawford's. Crawford's unsupported belief that its proposal was as good as TECOM's is not sufficient to demonstrate that the Army's evaluation was unreasonable. URS Int'l, Inc., and Fischer Eng'g & Maintenance Co., Inc.; Global-Knight, Inc., B-232500, B-232500.2, Jan. 10, 1989, 89-1 CPD ¶ 21.

We conclude that the Army made a reasonable cost/technical tradeoff in awarding to TECOM. As the RFP provided that quality would be considered somewhat more important than cost, and TECOM's proposal was found to be technically superior to Crawford's, the contracting officer reasonably accorded somewhat more importance to quality in determining

that TECOM's quality advantage outweighed the 10 percent cost savings.<sup>2/</sup>

Crawford also alleges that its proposal and TECOM's proposal were not evaluated on a common basis. In this regard, Crawford states that it was informed during the debriefing that TECOM received credit for "innovation," a criterion which was not a stated evaluation factor. The evaluation documents do not indicate that TECOM was given extra credit for a more innovative approach. To the extent that the evaluators felt that TECOM's innovative approach was technically superior to Crawford's, it was reasonable to award TECOM more evaluation points. See, e.g., Unidynamics/St. Louis, Inc., B-232295, Dec. 21, 1988, 88-2 CPD ¶ 609.

The protest is denied.



James F. Hinchman  
General Counsel

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<sup>2/</sup> In support of its argument that the agency failed to give adequate consideration to cost, Crawford states that the contracting officer informed it at the debriefing that quality was weighted "heavily." Crawford concludes that, since the RFP provided that quality would be considered "somewhat more important than cost," the agency gave more weight to quality than called for in the RFP. Notwithstanding the contracting officer's verbal characterization of the evaluation, as discussed above, the record shows that the agency properly found a significant technical difference between Crawford's and TECOM's proposals; given the "somewhat" greater weight the RFP accorded technical considerations, this difference was sufficient to offset TECOM's greater cost.