



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Imaging Equipment Services, Inc.
File: B-238669.2
Date: October 1, 1990

Jeffrey L. Dimitt for the protester.
E.L. Harper, Department of Veterans Affairs, for the agency.
James Vickers, Esq., and John Brosnan, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Agency reasonably selected technically superior, higher priced proposal for X-Ray scanner maintenance where agency found awardee's proposed repair personnel and parts accessibility superior to protester's.

DECISION

Imaging Equipment Services, Inc. (IES) protests the award of a contract for maintenance of a Picker 1200 Whole Body Scanner to Picker International, Inc. under Request for Proposals (RFP) No. 691-82-90, issued by the Department of Veterans Affairs (VA) Medical Center, Los Angeles, California. The protester objects to the VA's low technical rating of its proposal.

We deny the protest.

The solicitation was issued on December 5, 1989, and provided that award would not be based "solely upon the lowest price" but on the following evaluation factors:

1. Technical Qualifications/Excellence.
Factory Training/Specific Experience on Medical Equipment.
2. Management Capability.
Qualifications/Experience/Achievements.
3. Personnel Qualifications.
Training & Experience.

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4. Parts Inventory & Local Service Center.
5. Performance.
Ability to Perform Emergency Service.
6. Price.

Two offerors, IES and Picker, submitted proposals in response to the initial solicitation and VA made award to Picker in early February 1990. IES protested the selection of Picker to our Office on February 20. As a result of that protest, VA decided to reopen negotiations with both offerors and accept revised offers from the two firms. Therefore, on March 29, we closed the protest as academic (B-238669).

Discussions were conducted with both offerors and best and final offers requested on April 30. Picker's offer, priced at \$8,216 per month was selected for award based on VA's view that it was technically superior to IES' offer, which was priced at \$6,054.17 per month. VA downgraded IES' proposal because in its view IES' personnel did not have the required Picker factory training or experience on the Picker equipment. Also, according to the agency, the IES proposal did not show that the firm had trained technicians in the immediate geographical area or that the firm had access to a local service facility so that hard-to-get parts would be available within an acceptable timeframe.

In general, IES contends that its proposal was unfairly downgraded in the technical evaluation and that it is fully capable of performing the contract. The protester disagrees with each of VA's specific criticisms of its proposal.

The evaluation of technical proposals is primarily the responsibility of the contracting agency; the agency is responsible for defining its needs and the best method of accommodating them, and must bear the burden of any difficulties resulting from a defective evaluation. Thus, our Office will not make an independent determination of the merits of technical proposals; rather, we will examine the agency's evaluation to ensure that it was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. Mere disagreement with the agency does not render the evaluation unreasonable particularly where the procurement concerns sophisticated technical services. Litton Sys., Inc., et al., B-229921 et al., May 10, 1988, 88-1 CPD ¶ 448.

VA downgraded IES' proposal because while the protester's primary service technician did have Picker factory training the three backup technicians did not. This compared unfavorably with Picker's proposal, which offered five factory trained technicians. IES contends that the RFP merely stated that factory training was required and not that it had to be Picker factory training. IES also states that the training of the technicians proposed by Picker is not current; it claims the most recent training listed was completed in 1983.

Since the services are to be performed on a Picker scanner and the solicitation provided that an offeror must show "documented proof of manufacturer's training on the specific equipment," we do not think that it is reasonable to interpret the requirement for "factory training" to mean anything other than training by Picker; the manufacturer of the scanner to be serviced. The Picker offer shows that the most recent training of its technicians was completed in 1986, not 1983 as stated by the protester. That compares favorably with the protester's proposal which indicated that only one of its technicians had any factory training at all. In short, we have no basis upon which to question VA's judgment that the Picker proposal was superior in this area.


The next area of concern to VA was the lack of IES technicians in the immediate Los Angeles area where the scanner was located so as to assure that the RFP requirement that the scanner remain operable 95 percent of the time could be met. According to the IES proposal, its primary technician is located 25 miles from Los Angeles while the additional three backups are located 8 hours away. We do not believe VA was unreasonable in its concern that, with only one technician closer than 8 hours away from the location of the scanner, IES would have difficulty in meeting the solicitation requirements for 95 percent "uptime" and a 2 hour emergency response time.

The final areas of concern involved IES' inability to furnish a backup scanner unit of the same capability if repairs cannot be accomplished in 3 days and the firm's capacity to furnish parts within the established timeframe since it does not have a service center in the Los Angeles area. The protester does not deny that it would have difficulty supplying a backup unit but states that it can furnish the necessary parts by either ordering them from Picker or Picker's suppliers or by using its in-house parts inventory.

We think VA's conclusion that Picker's proposal offered significant advantages in these areas--because as the manufacturer it had access to backup units and could more easily and quickly obtain parts than could IES--was reasonable.

We have carefully reviewed the evaluation record in the context of the protester's arguments and we find that VA's conclusion that Picker's proposal was technically superior had a rational basis. We therefore have no reason upon which to question the selection of Picker under the solicitation's evaluation scheme even though the protester offered a lower price. See Ross Aviation Inc., B-236952, Jan. 22, 1990, 90-1 CPD ¶ 83.

The protest is denied.



James F. Hinchman
General Counsel