



Comptroller General
of the United States
Washington, D.C. 20548

Calhoun
148646

Decision

Matter of: The Travel Company, Inc.

File: B-249560.2

Date: February 25, 1993

Phyllis Doby for the protester.
Timothy A. Beyland, Department of the Air Force, for the agency.
Tania L. Calhoun, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that proposal improperly was eliminated from the competitive range is denied where record shows that proposal was reasonably found deficient under most evaluation factors.

DECISION

The Travel Company, Inc. protests the elimination of its proposal from the competitive range under request for proposals (RFP) No. F02601-91-R-0003, issued by the Department of the Air Force for the provision of commercial travel services for four Air Force bases located in Arizona and New Mexico. The Travel Company principally challenges the evaluation of its proposal.

We deny the protest.

The RFP, a total small business set-aside,¹ contemplated the award of a no-cost service contract for a period of 2 years, with up to three 1-year options, to a contractor who could furnish both official and unofficial commercial travel services at four Air Force bases located in Arizona and New Mexico. The RFP instructed offerors that their technical proposals should contain sufficient information to

¹The RFP was originally issued on January 13, 1992, as a total small disadvantaged business (SDB) set-aside. Five proposals were received; all of them were rejected as unacceptable. The solicitation was resynopsized as a total small business set-aside in the Commerce Business Daily on April 8; an amendment converted the SDB set-aside to a small business set-aside on May 24.

enable the government to perform a complete analysis with respect to the technical evaluation criteria.

Section M of the RFP provided that award would be made to the firm whose proposal was the most advantageous to the government, considering the technical and cost proposals.² In this regard, the RFP informed offerors that cost would be considered secondary to the overall rating assigned to the technical proposal. Technical proposals were to be evaluated in the following six areas listed in descending order of importance: (1) offeror qualifications, (2) equipment and software capabilities, (3) staffing and personnel qualifications, (4) quality control procedures, (5) support approach, and (6) leisure services. Four of these six criteria had various stated subcriteria.

In response to the RFP, 13 firms submitted proposals. The agency's technical evaluation team used an adjectival rating system of "acceptable," "marginal," and "unacceptable." Following the initial evaluation, four offerors whose proposals received an overall rating of "marginal," including that of the protester, were initially found to be within the competitive range. To correct the defects found in their proposals, the agency sent these four offerors numerous clarification requests and deficiency reports. After evaluating the supplemental information provided by the four offerors in response to the agency's request, the contracting officer concluded that none of the four offerors had brought their proposals to a minimally acceptable level, and thus that all four were outside the competitive range. The agency issued an amendment canceling the solicitation and stating that the requirement would be resolicited on an unrestricted basis; this protest followed.

The Travel Company generally argues that its proposal was acceptable and was wrongfully excluded from the competitive range. The competitive range consists of only those proposals which have a reasonable chance of being selected for award. Informatics Gen. Corp., B-210709, June 30, 1983, 83-2 CPD ¶ 47. An initial determination that a proposal falls within the competitive range does not necessarily imply that it is technically acceptable as submitted. Rather, inclusion within the competitive range often merely indicates a reasonable possibility of a proposal being made

²The cost proposals include a discount fee proposal, which is to describe measures the contractor will take to ensure the government receives the rate of discount agreed upon in the contract, and a concession fee proposal, which is to describe measures the contractor will take to ensure the government is paid the concession fee agreed upon in the contract.

acceptable through discussions. Miller Bldg. Corp., B-245488, Jan. 3, 1992, 92-1 CPD ¶ 21. If after such oral or written discussions the contracting officer determines that a proposal no longer has a reasonable chance of being selected for contract award, that proposal is to be excluded from further consideration. Federal Acquisition Regulation § 15.609(b).

The evaluation of technical proposals and the resulting decision as to whether certain proposals are within the competitive range are determinations primarily within the agency's discretion; we will review these determinations only to determine whether they were reasonable and consistent with the RFP's evaluation criteria. Ronnoc, Inc., B-243729, Aug. 19, 1991, 91-2 CPD ¶ 163. A protester's mere disagreement with the evaluation does not establish that it was unreasonable. United HealthServ Inc., B-232640 et al., Jan. 18, 1989, 89-1 CPD ¶ 43.

We find nothing objectionable in the evaluation or the Air Force's decision to exclude The Travel Company from the competitive range. The record shows that The Travel Company's proposal was eliminated from the competitive range because fundamental deficiencies throughout its technical proposal and supplemental responses led the agency to conclude that it had no reasonable chance for award. In its initial evaluation, the agency gave the protester's technical proposal an overall rating of "marginal" because it did not adequately address such significant aspects of the evaluation factors as organizational management, adequacy of proposed equipment, functional statements for personnel, support facilities, and promotion of leisure services.³

As a result of the initial evaluation, the protester was asked to provide detailed responses to 15 clarification requests and deficiency reports. While the agency's subsequent reevaluation of The Travel Company's proposal and supplemental responses indicated that the firm had clarified a number of issues to the satisfaction of the technical evaluation team, sufficient inadequacies remained to retain the proposal's "marginal" overall rating. For example, under the first evaluation criterion, The Travel Company's proposal was rated "marginal" in part because it failed to clarify the working locations of the contract manager and

³The agency also found that a comparison between the protester's projected labor costs and the required Department of Labor wage rates indicated that the protester would be operating at a significant loss over the 5-year period. While the agency was concerned about this area, it was not the primary reason for eliminating the protester from the competitive range.

alternate contract managers. Because it was uncertain whether the firm intended that there be an alternate contract manager at each location, the agency issued a specific clarification request on the subject.⁴ In its response to the clarification request, the protester merely referred the agency back to its original submission. Under the fifth evaluation criterion, The Travel Company's proposal was rated "unacceptable" because it did not address support facilities and did not include a subcontracting plan. In response to the specific deficiency reports issued on these subjects, the protester again referred the agency back to its original submission, and added that it had decided against using a subcontractor in favor of opening a travel office within commuting distance if required. The agency found that this response was unacceptable because it did not describe how support would be provided to the various locations. Since the protester failed to provide the requested responses to these and other questions in sufficient detail for the agency to analyze its compliance with the evaluation factors, the agency determined that The Travel Company's proposal had no reasonable chance of being selected for award.

We have reviewed all of the evaluation worksheets and the protester's proposal and supplemental responses and find no basis for questioning the evaluators' conclusions, which on their face clearly are based on application of the evaluation factors specified in the RFP. On the contrary, we find that the agency reasonably concluded that The Travel Company submitted a proposal that did not have the detail required to enable the agency to perform a complete analysis with respect to the evaluation factors. In fact, in its comments on the agency report, The Travel Company does not refute any of the technical evaluation findings.

⁴The protester's initial submission stated that each location would have an official travel reservation agent in charge who would be designated as the Commercial Travel Office manager and function as the supervisor. The agency was unable to ascertain whether the protester intended this person to be the alternate contract manager; the RFP's performance work statement stated that "the contract manager or alternate shall be available on site during normal duty hours. . . ."

While The Travel Company argues that the agency did not conduct adequate discussions, the requirement for meaningful discussions is satisfied by advising offerors of the deficiencies in their proposals and affording them the opportunity to correct these deficiencies through revised proposals. NDI Eng'g Co., B-245796, Jan. 27, 1992, 92-1 CPD ¶ 113; MaineTech Dev. Co.; JAC/CO/SAC, B-243111 et al., July 2, 1991, 91-2 CPD ¶ 15. That requirement was satisfied here. The questions the agency posed to the protester clearly and specifically identified the areas in which its proposal was found lacking. For example, in the area of offeror qualifications, the agency's letter stated:

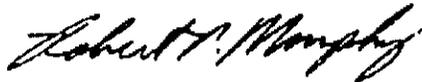
"Proposal is unclear as to where Contract Manager and Alternate will be working. Charts and word pictures do not agree with each other."

With respect to staffing and personnel qualifications, the letter stated:

"Clear, defined plan for Base Office interfacing with Home Office with regards to financial management and technical support [is] absent."

Despite this type of clear advice from the agency, the protester simply failed to adequately respond to the agency's concerns, and thus reasonably was found technically unacceptable and eliminated from the competitive range.⁵

The protest is denied.



for James F. Hinchman
General Counsel

⁵The protester's additional allegation that the agency intended all along to make award to a large business is completely without merit. The record shows that the agency made diligent efforts to solicit this requirement first as an SDB set-aside, then as a small-business set-aside, before making the decision to issue the solicitation on an unrestricted basis.