



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Zechariah Eli Ryan

File: B-255500

Date: March 7, 1994

Zechariah Eli Ryan for the protester,
Allen W. Smith, Clyde Thompson, and Laurie Lewandowski,
Department of Agriculture, for the agency.
Tania L. Calhoun, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest that contracting agency improperly evaluated protester's offer is denied where protester, who did not submit the lowest-priced offer, failed to include information required by the solicitation to evaluate offerors' experience and equipment, leading agency to reasonably downgrade the offer under the technical evaluation factors.

DECISION

Zechariah Eli Ryan protests the issuance of a purchase order to Martin E. Ringle Cleaning Specialists under request for quotations (RFQ) No. R2-94-09-003, issued by the Department of Agriculture, Forest Service, for janitorial services. Ryan asserts that the agency improperly evaluated his quotation.

We deny the protest.

The RFQ, issued on September 13, 1993, sought quotations to perform janitorial services at the Saguache Ranger District of the Rio Grande National Forest in Colorado, for a 1-year base period and up to 2 option years. The RFQ's statement of work required the contractor to maintain all areas of the office building on a time-staggered basis. Certain tasks, such as emptying wastebaskets, dusting furniture, and cleaning and disinfecting toilet fixtures, were to be performed either two or three times weekly, with the frequency of performance to be determined after the submission of quotations. In addition, certain other tasks were to be performed on monthly, quarterly, semi-annual, or annual bases. Accordingly, for the base period and for each option year, quoters were to submit a total quotation

consisting of the sum of six separate quotations for the janitorial services based on frequency of performance: two times weekly, three times weekly, monthly, quarterly, semi-annually, and annually. The RFQ stated that award would be made based on either the two times weekly or three times weekly price, plus all of the other prices for the remaining time periods.

Under the RFQ, award was to be made to the firm whose quotation was the most advantageous to the government, price and other factors considered. Quotations would be evaluated for award by adding the total price for all options to the total price for the basic requirement; however, evaluation of options would not obligate the government to exercise the options.

The solicitation listed four technical evaluation factors, along with their respective weights, and instructed quoters to submit specific information concerning each factor on the form provided or on a separate document. The factors and their respective weights were as follows:

Firm experience	30 points
Employee experience	30 points
Equipment available	20 points
Schedule of services	<u>20 points</u>
Total	100 points

The solicitation also asked quoters to list any references that might be contacted regarding the information listed in response to the evaluation factors, and instructed that, if necessary, discussions would be conducted with any or all quoters.

The agency received three quotations in response to the RFQ. Ryan submitted a total quotation of \$43,500, and Ringle submitted a total quotation of \$38,868.¹ The agency conducted a technical evaluation of the quotations on October 1, with the following results:

	<u>Ringle</u>	<u>Ryan</u>
Firm Experience	30	0
Employee Experience	30	10
Equipment Available	20	10
<u>Schedule of Services</u>	<u>20</u>	<u>20</u>
Total Technical Score:	100	40

¹The third quotation is not at issue here.

The agency did not conduct discussions with any offerors, and did not contact any references listed in the quotations received. Based on the results of the evaluation, a purchase order for the project was issued on October 1 to Ringle in the amount of \$8,276.² On October 13, the agency denied Ryan's protest of the issuance of that purchase order, and Ryan subsequently filed the identical protest in our Office.

Ryan argues that his offer was improperly evaluated. Ryan asserts that, based upon his janitorial experience and his price, he should have received the purchase order.

When an agency evaluation is challenged, we will examine that evaluation to ensure that it was reasonable and consistent with the stated evaluation criteria. See James S. Hutcheson, B-244662, Oct. 28, 1991, 91-2 CPD ¶ 383. However, if an offeror submits a quotation that is not adequate to establish technical acceptability, it bears the risk of having its quotation downgraded or rejected as a result. See GTE Int'l, Inc., B-241692, Feb. 19, 1991, 91-1 CPD ¶ 186. Based upon our review of the record, the Forest Service properly concluded that Ryan's quotation lacked most of the information that the solicitation required for evaluation purposes. As a result, the agency reasonably downgraded Ryan's quotation under the technical evaluation factors.

Under the firm experience factor, quoters were instructed to list the experience and qualifications of the firm within the last 5 years. On the page provided for responses, Ryan's quotation simply stated: "Architectural Design Service (Closed)" and "Bicycle Repair Service (Part-Time)." Since Ryan's offer did not indicate any janitorial experience, his quote received none of the 30 points allotted for this evaluation factor. In contrast, Ringle's offer stated that the firm had experience in all types of commercial and residential maintenance, and had been in business since 1975. Ringle also referred to the cover letter submitted along with the firm's quote, which listed 10 past and present accounts of contract maintenance performed by the firm.³ While Ryan asserts that he has

²Ringle's quotation for the base period, based on a three times weekly schedule, was \$8,276. Ryan's quotation for the same services was \$7,560, and the government estimate for these services was \$8,500.

³Cover letters submitted with offers are part of the offers and must be considered in determining what offerors are proposing to furnish under the contemplated contract. See

(continued...)

over 15 years of custodial experience, and has owned various businesses over the past 20 years, that information is not reflected in his quotation and, thus, could not have been considered by the agency in its evaluation.

Similarly, under the employee experience factor, quoters were asked to name the individuals that would be assigned to the project and indicate the type and extent of their experience within the last 5 years. Ryan's offer stated, "Eli Ryan - Retired Architectural Designer, Bicycle Shop Owner, Provides Part-Time Janitorial Services & Maintenance," and "Robin Ryan - Professional Housekeeper." Ryan's quotation received 10 of the 30 points available for this evaluation factor because it did not fully describe the type and extent of experience possessed by either individual proposed to perform the contract. In contrast, Ringle's offer listed Martin E. Ringle and Eileen Ringle as the employees that would perform the contract, stated that both had over 15 years of commercial maintenance experience, and referred to the cover letter for more detail, such as the list of maintenance contracts performed by the firm. Again, while Ryan asserts that his assistant has 10 years of experience as a housekeeper, that information is not contained in Ryan's offer and could not have been evaluated.

Finally, under the equipment available factor,⁴ quoters were asked to name the equipment that would be used on the project, such as the make, model, and year of each piece of equipment. Ryan's offer stated only that it would utilize new and used equipment to be purchased for services prior to the start of work; it did not describe the equipment it expected to purchase or provide a list of that equipment. As a result, it received 10 of the 20 points available for this evaluation factor. Ringle's offer, on the other hand, described four categories of equipment it had available to perform the project, and listed the make, model, and age of each piece of equipment.

Since Ryan failed to provide the information required by the RFQ to permit the agency to fully evaluate its technical capabilities, the agency had a reasonable basis to downgrade Ryan's quotation with regard to the technical evaluation factors. See James S. Hutcheson, supra. Contrary to the

³ (...continued)

AEG Aktiengesellschaft, 65 Comp. Gen. 418 (1986), 86-1 CPD ¶ 267; Sabre Communications Corp.--Recon., B-233439.2, June 30, 1989, 89-2 CPD ¶ 14.

⁴The fourth evaluation factor, schedule of services, is not at issue here, as all quoters received the maximum score for the factor.

protester's contention, the agency was not required to give Ryan an opportunity to submit additional information in response to the RFQ, such as the information he has provided during the pendency of this protest, since the RFQ explicitly required the protester to provide this information in his quotation. See GTE Int'l, Inc., supra; Huff & Huff Serv. Corp., B-235419, July 17, 1989, 89-2 CPD ¶ 55.

As we have determined that the evaluation was properly conducted and that Ryan's technical evaluation score was significantly below that of the awardee, and since Ryan did not submit the lowest priced offer, we find that the agency properly issued the purchase order to Ringle.⁵ See Inland Marine Indus., Inc., B-249914; B-249918, Dec. 24, 1992, 92-2 CPD ¶ 442.

The protest is denied.

Mustine S. Melody
for Robert P. Murphy
Acting General Counsel

⁵In its initial protest, Ryan also asserted that the agency should have taken into consideration his proximity to the office to be maintained, and his status as a disabled person. The agency in its report responded to these issues, and Ryan in his comments did not rebut the agency's response. We regard this issue as abandoned by the protester and will not consider it. See TM Sys., Inc., B-228220, Dec. 10, 1987, 87-2 CPD ¶ 573. At any rate, neither of these areas was listed as an evaluation factor in the RFQ such that they could have been considered by the agency. See Cenci Powder Prods. Inc., 68 Comp. Gen. 387 (1989), 89-1 CPD ¶ 381.