



Comptroller General  
of the United States

Washington, D.C. 20548

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*S. Riback*

## Decision

**Matter of:** Mid-Ohio Fiberoptics, Inc.

**File:** B-255924

**Date:** April 20, 1994

P. John Brandel for the protester.  
Leonard M. Stack for Sipi Metals Corp., and Joan E. Carr for Sabin Metal Corporation, interested parties.  
Matthew Pausch, Esq., Defense Logistics Agency, for the agency.  
Scott H. Riback, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Agency reasonably rejected protester's proposal as technically unacceptable where, after discussions, numerous significant deficiencies remained in the proposal.

### DECISION

Mid-Ohio Fiberoptics, Inc. protests the rejection of its proposal as technically unacceptable under request for proposals (RFP) No. DLA200-93-R-0304, issued by the Defense Logistics Agency (DLA) for the recovery of precious metals from electronic scrap. Mid-Ohio contends that its proposal was improperly rejected.

We deny the protest.

The RFP called for fixed-price offers to perform a variety of services in connection with the recovery of precious metals from electronic scrap, including the pickup of scrap from numerous sites, processing of the scrap to remove any precious metals, and disposal of any resulting waste including hazardous waste. Offerors were advised that their proposals were to include a processing plan; a treatment, storage, and disposal facility plan (relating to handling any hazardous waste generated in connection with performance); a transportation matrix showing the hazardous waste transporters to be used during performance; and evidence of various state and federal licenses and permits (such as a firm's Environmental Protection Agency identification number). Offerors were also required to submit a separate experience proposal to provide information relating to prior contracts in the area of precious metal recovery work and hazardous waste management.

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The RFP provided for award to the firm whose proposal represented the best overall value to the government considering price, the technical evaluation factors, and experience. The RFP contained three technical criteria, all equal in importance: (1) acceptability of the processing plan; (2) the treatment, storage, and disposal facility plan and transporter plan; and (3) the management plan. In order to be technically acceptable, a proposal had to be found technically acceptable under each of the three criteria.

The agency received three proposals, including Mid-Ohio's, which it rated as technically unacceptable under all three technical evaluation criteria. DLA found that Mid-Ohio had failed to include a processing plan and a transportation storage and disposal facility plan, had not described its hazardous waste disposal method, had not provided information relating to relevant permits and licenses, and had not identified a hazardous waste transporter licensed in the state of New York (one of the performance locations). The agency also found that Mid-Ohio had failed to include information relating to its experience. Nonetheless, the agency included Mid-Ohio's proposal in the competitive range and engaged in discussions with the firm, outlining the deficiencies noted above. Mid-Ohio timely submitted revisions to its proposal, but DLA found that the proposal remained technically unacceptable for numerous reasons, all primarily relating to the sufficiency of the information provided.

Mid-Ohio contends that the agency erred in finding its proposal technically unacceptable. Essentially, Mid-Ohio maintains that, contrary to the agency's findings, it responded to all of the concerns raised during discussions, and that the agency improperly failed to review its proposal revisions.

Where a protester alleges that an agency's technical evaluation was improper, we examine the record to determine whether the agency's judgment was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. Allied-Signal Aerospace Co., B-250822; B-250822.2, Feb. 19, 1993, 93-1 CPD ¶ 201. A protester's disagreement with the agency's judgment, without more, does not show that the agency's judgment was unreasonable. Id.

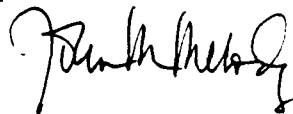
We conclude that DLA had a reasonable basis for rejecting Mid-Ohio's proposal. The firm's initial and revised proposals were deficient in several significant respects. For example, the RFP required a written processing plan outlining processing methods and sampling procedures, as well as plans for the treatment and disposal of any residual materials. This processing plan was to include, at a

minimum (1) a narrative of the step-by-step procedures to be followed during performance, (2) time schedules describing how and when each step would take place, (3) the contractor's hours of operation, (4) a listing of the equipment to be used in the processing, and (5) the offeror's property accountability plan for handling government furnished property and materials.

Mid-Ohio was found technically unacceptable under this criterion chiefly because it failed to provide the required information, and an examination of its proposal confirms this. Mid-Ohio's initial proposal did not contain a processing plan, and although it submitted one in response to DLA's discussion questions, the plan furnished is comprised of a 1-page narrative that only broadly describes the firm's procedures. The plan does not include the required time schedules or information relating to how and when each step in the procedure will take place, and does not indicate the firm's hours of operation. Further, instead of the required comprehensive list of equipment to be used in performing the contract, the plan contains only generic references to a few pieces of equipment (for example, the plan references an 8,000-pound-capacity ball mill, but does not describe or otherwise identify this piece of equipment). Mid-Ohio's processing plan also does not contain a property accountability plan for handling government-furnished equipment and materials, or even make mention of the firm's procedures for handling such property and materials. In other words, even after being advised of its plan's deficiencies during discussions, Mid-Ohio failed to furnish most of the information expressly called for by the RFP. Since an agency may properly find a proposal technically unacceptable based on such informational deficiencies, Triton Marine Constr. Corp., B-250856, Feb. 23, 1993, '93-1 CPD ¶ 171, we conclude that DLA had a reasonable basis for finding Mid-Ohio technically unacceptable under this criterion.

Since the RFP provided that a proposal could be found unacceptable overall if it were found unacceptable in any one of the evaluation areas, the processing plan deficiencies alone were sufficient for DLA to reject Mid-Ohio's proposal as technically unacceptable.

The protest is denied.



*Robert P. Murphy*  
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 Acting General Counsel