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Comptroller General
of the United States

1225308

Washington, D.C. 20548

Decision

Matter of: CardioMetrix
File: B-256407.2
Date: August 26, 1994

DECISION

CardioMetrix protests the selection of SmithKline Beecham Clinical Laboratories as the successful vendor under request for quotations (RFQ) No. RFQ-258-0051-4, issued by the Department of Justice, Federal Bureau of Prisons (BOP), for laboratory testing services for inmates at the Federal Correctional Institution in Manchester, Kentucky. CardioMetrix contends that the agency improperly evaluated its proposal.

We dismiss the protest because it fails to state a valid basis. See 4 C.F.R. 21.3(m) (1994).

Offerors were required to submit unit and extended prices for various estimated quantities of different types of clinical laboratory tests listed in section B of the RFQ as line item numbers 1-10, and a total price.¹ Offerors were also required to submit written proposals addressing the following areas, listed as evaluation factors in section M of the RFQ: (1) personnel training, certification, and experience; (2) corporate experience; (3) transportation of specimens; (4) flexibility of work schedule; and (5) ability to provide the required supplies. Price was worth 25 percent of the total evaluation points available. The RFQ contemplated the issuance of delivery orders to the vendor whose proposal was considered the most advantageous to the government.

The agency received five proposals by the March 7, 1994, closing date for receipt of initial proposals.² A technical evaluation panel (TEP) evaluated each proposal

¹Offerors were also required to propose a discount rate under line item No. 11 for an estimated quantity of "other tests" not listed. This item was not considered in the evaluation.

²One of the offerors withdrew its proposal, leaving four offerors, including the protester, in the competition.

by assigning a numerical score to each evaluation factor, for a maximum technical evaluation score of 75 points, The TEP evaluated price by assigning a maximum of 25 points to the lowest total price proposed and proportionately lower scores to higher-priced proposals.³ Based on the initial evaluation the BOP included all four proposals within the competitive range, held discussions, and requested best and final offers (BAFO) from all four offerors. Based on the evaluation of BAFOs, CardioMetrix's proposal received the lowest technical score, and lowest price score, ranking fourth, as follows:

<u>Offeror</u>	<u>Tech. Score</u>	<u>Total Price</u>	<u>Price Score</u>	<u>Total Score</u>
SmithKline	73	\$ 722	24	97
B	64	803	21	85
C	57	685	25	82
CardioMetrix	53	1,059	16	69

By letter dated June 28, the BOP informed CardioMetrix that SmithKline had been selected to provide the services,⁴ and this protest followed.

The agency responded to the protest by submitting a complete report which included the protester's and the awardee's proposals; the TEP's evaluation documents including

³Amendment No. 0001 to the RFQ reduced the estimated quantities of each test listed in section B of the RFP by approximately 50 to 90 percent. Although CardioMetrix submitted its unit prices using the original section B of the unamended RFQ (with the higher estimated quantities), the TEP calculated CardioMetrix's total price by multiplying its unit prices by the corresponding lower estimated quantities announced in the amended RFQ, computing a total price, and assigning a numerical score proportionate with its price ranking compared to the other proposals.

⁴The letter CardioMetrix received stated that "[t]he bid submitted by [SmithKline] was for the total amount of \$4,800." The agency has informed us, however, that the \$4,800 announced in the letter to unsuccessful offerors reflects the agency's estimated costs of the tests required over the life of the contract, not SmithKline's offered price. While the BOP's letter reasonably led CardioMetrix to believe that the BOP had selected SmithKline at a higher price than CardioMetrix proposed, as shown in the table above CardioMetrix's proposed total price was considerably higher than SmithKline's. CardioMetrix's contention that award was improperly made at a higher price is therefore meritless.

individual evaluators' sheets; the TEP's recommendation to select SmithKline; and the contracting officer's statement explaining in detail the selection process. The protester does not rebut the low ratings the TEP assigned its technical proposal, nor the nearly perfect ratings the TEP assigned to SmithKline's proposal; and CardioMetrix has not challenged any aspect of the evaluation of any other offeror's proposal.

Based on our review of the record we find the agency's evaluation to be reasonable and consistent with the RFQ's evaluation criteria, especially since CardioMetrix has failed to rebut any aspect of the agency's response to its protest or the BOP's detailed explanation of the selection decision. Atmospheric Research Sys., Inc., B-240187, Oct. 26, 1990, 90-2 CPD ¶ 338. Accordingly, CardioMetrix has failed to provide any basis for us to question the agency's selection of a higher-rated, lower-priced offer. See Visucom Prods., Inc., B-240847, Dec. 17, 1990, 90-2 CPD ¶ 494.

The protest is dismissed.

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