



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Madison Services, Inc.  
**File:** B-236776  
**Date:** November 17, 1989

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### DIGEST

Agency reasonably rejected protester's initial proposal as technically unacceptable where proposal contained informational omissions and lacked supporting data necessary to determine whether protester met the solicitation requirements; protester's assertion that it is an experienced service contractor whose proposals had never been determined unacceptable in previous solicitations is not sufficient to establish acceptability for current procurement.

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### DECISION

Madison Services, Inc., protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. F01600-89-R-A030, issued by the Air Force for janitorial services at Maxwell and Gunter Air Force Bases.

We deny the protest.

The RFP advised offerors that the evaluation would be based on the following four factors, in descending order of importance: (1) ability to meet specifications (50%); (2) ability to provide personnel (30%); (3) ability to acquire supplies and equipment (20%); and (4) price. The technical factors in total were slightly more important than price. Twenty-eight proposals were received by the closing date for receipt of initial proposals. The proposals were evaluated and scored by an evaluation team with no knowledge of the offerors' identities. Once scoring was completed, the 14 proposals receiving scores of less than 60 were rejected as being outside the competitive range; Madison's proposal, which was found not to address essential RFP requirements, received a score of 50 and thus was one of the firms outside the competitive range. On August 25, award was made to Elaine's Cleaning Service. The Air Force,

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in accordance with the Competition in Contracting Act, 31 U.S.C. § 3553(c)(2)(A) (Supp. IV 1986), has determined that urgent and compelling circumstances exist that require continued performance of the contract pending our decision.

Madison principally contends that its elimination from the competitive range was improper because its proposal in fact satisfies the solicitation requirements; it asserts that the agency's conclusion that its proposal "failed to reasonably address the essential requirements of the solicitation" is vague and does not demonstrate that there was a reasonable basis for rejecting the proposal. Madison points out that it is an experienced custodial service contractor, and never has had a proposal rejected by the government as unacceptable; as the present solicitation is no different than any of the other solicitations under which Madison successfully competed, the evaluation here is flawed. Alternatively, Madison argues that, even if its proposal did fail to address certain of the essential requirements of the solicitation, it was reasonably susceptible of being made acceptable through discussions.

In reviewing protests concerning the evaluation of proposals and competitive range determinations, our function is not to reevaluate the proposals and make our own determination as to their merits; rather, this is the responsibility of the contracting agency, which is most familiar with its needs and must bear the burden of any difficulties from a defective evaluation. Hydroscience, Inc., B-227989, B-227989.2 Nov. 23, 1987, 87-2 CPD ¶ 501. The determination of whether a proposal should be included in the competitive range is a matter primarily within the contracting agency's discretion which we will not disturb unless it is shown to be unreasonable or in violation of procurement laws or regulations. Id. The fact that a protester does not agree with an agency's evaluation does not render the evaluation unreasonable or contrary to law. Id.

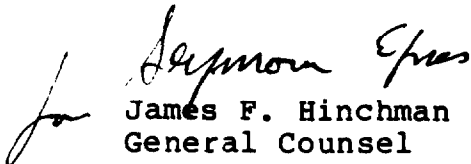
We find that the Air Force's decision to exclude Madison's proposal from the competitive range was reasonable. As indicated, the Air Force found numerous informational deficiencies in the proposal, several of which it considered major. For example, the Air Force found that Madison failed to establish its ability to meet the specifications. In this regard, the RFP stated that the proposal shall have a complete Quality Control Plan, in which the contractor was to describe how it would perform. Madison's proposal did not contain a detailed description of how it would inspect for deficiencies and what corrective actions it would take if deficiencies were found. Madison did furnish information about work it previously had performed in a commissary, but

this information was deemed irrelevant since the the solicitation here contemplated no commissary work. Madison's proposal also was found to provide inadequate information on its ability to provide personnel. The RFP required offerors to propose two project managers and two quality control inspectors. Madison's proposal appeared to offer only one project manager and one quality control inspector. Moreover, the Air Force was unable to determine from Madison's functional organizational chart which personnel would be working on the contract, since the chart was for a commissary warehousing contract, not janitorial services. Finally, the Air Force was concerned about Madison's ability to acquire supplies and equipment, because its proposal did not address what it would do if supplies and equipment were not in stock. Madison has not attempted to rebut the Air Force's findings, and we find no other basis for questioning them.

A technical evaluation must be based on the information submitted with the proposal; no matter how capable an offeror may be, if it does not submit an adequately written proposal, as here, the offeror will not be considered in the competitive range or in line for discussions in a negotiated procurement. Micronics, Inc., B-215266, Nov. 13, 1984, 84-2 CPD ¶ 521.

Given that Madison's proposal omitted a substantial amount of technical information specifically requested by the RFP and that 12 other offerors were found technically acceptable with substantially higher technical scores and lower prices, we believe the Air Force had a reasonable basis to conclude that Madison's proposal was unacceptable, and could not be made acceptable without preparation of virtually a new proposal. In these circumstances, discussions are not required, and a proposal properly may be excluded from the competitive range. Senior Communications Servs., B-233173, Jan. 13, 1989, 89-1 CPD ¶ 37.

The protest is denied.

  
James F. Hinchman  
General Counsel