Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Interactive Communication Technology, Inc.

File: B-271051

Date: May 30, 1996

Victor Lim, Jr. for the protester.
Richard A. Marchese, Esq., Department of Housing & Urban Development, for the agency.
Paula A. Williams, Esq., John Van Schaik, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Incumbent's proposal, which lacked detailed information concerning technical approach and staffing, was properly excluded from the competitive range as not having a reasonable chance of being selected for award in light of other, more highly rated proposals received.

DECISION

Interactive Communication Technology, Inc. (ICT) protests the exclusion of its proposal from the competitive range under request for proposals (RFP) No. DU100C000018418, issued by the Department of Housing & Urban Development (HUD) for audio/video production services. The agency excluded ICT's proposal from the competitive range because it did not have a reasonable chance of being selected for award due to numerous weaknesses identified in the proposal. ICT contends that the agency's evaluation of its proposal was flawed and its proposal was improperly excluded from the competitive range.

We deny the protest.

The RFP contemplated the award of a fixed-price, indefinite quantity contract for a base year with 2 options years. The RFP set forth a best value evaluation scheme with technical factors significantly more important than price in the source selection decision. It advised offerors that technical proposals would be numerically rated under four evaluation factors listed in descending order of importance: qualification and experience, technical approach, quality control, and creative and technical quality of sample productions.

Thirteen firms submitted initial proposals. An evaluation panel evaluated the technical proposals and prepared a composite score for each proposal. Following

the initial technical evaluation, 10 proposals were evaluated as technically acceptable. Of these, ICT's proposal was the lowest priced and lowest ranked with a technical score of 62. The contracting officer established a competitive range consisting of 6 of the 10 technically acceptable proposals, with composite technical scores ranging from 95 to 82. ICT's proposal was among four technically acceptable proposals excluded.

ICT's proposal was excluded from the competitive range because the contracting officer concluded it did not have a reasonable chance of being selected for award due to numerous weaknesses in the proposal and its unrealistically low price. Among the weaknesses identified was ICT's failure to demonstrate either through experience, discussion or submission of sample videos the capability to perform two-way broadcast productions for television and radio or live multi-site video teleconferencing via satellite transmission, as contemplated by the RFP. In addition, the evaluators found ICT's technical approach discussion lacked details (such as its logistical approach to achieving live two-way audio and video communications or the logistics required for audio/video broadcasts from multiple sites) and failed to address the specifics of the solicitation requirements concerning project management, scheduling, equipment and personnel. The evaluators also were concerned with ICT's failure to include a detailed discussion in its quality control plan for providing and assuring an adequate and qualified work force or the availability of all necessary supplies and equipment. As to the video sample submitted by ICT, the evaluators noted that it was an example of only a single production, which precluded them from evaluating the firm's diversity of audiovisual productions. Finally, the agency considered ICT's price unrealistic and questioned whether that price indicated a lack of understanding of the RFP's requirements.

ICT, the incumbent contractor, argues that because it is successfully performing under a similar contract for HUD it possesses the "unique advantage" of being familiar with the type of services required by this solicitation. On this basis, the protester insists that the agency could not reasonably conclude that the weaknesses in its proposal demonstrated ICT's lack of understanding of the solicitation requirements. However, ICT's reliance on its status as an incumbent is misplaced; an agency is not required to overlook a flawed proposal on the basis of the offeror's prior performance. To the contrary, all offerors are expected to demonstrate their capabilities in their proposals rather than simply rely on what they believe is known about them by contracting officials; those who do not furnish detailed, comprehensive proposals in reliance on their incumbent status do so at their own risk. See Computerized Project Management Plus, B-247063, Apr. 28, 1992, 92-1 CPD ¶ 401.

ICT also challenges the numerous criticisms of its proposal. Concerning the discussion of video conferencing via satellite transmission and two-way audio/video

productions in its proposal, the protester states that these areas were discussed in a "cursory manner" because it believed these services cannot be ordered under the contract since they were not listed as line items on the RFP's pricing schedule. In addition, ICT explains that it did not provide the qualifications and experience of its additional potential staff ("freelancers") because the firm could not predict which "freelancers" would be available. ICT also states that it did provide resumes for key personnel on its staff and contests the criticism of its proposal for not identifying the firm's "technical team," since the RFP did not require proposals to identify technical teams. The protester also challenges the evaluators' judgment that its proposed quality control plan lacked specifics regarding all necessary equipment and supplies--stating that its proposal included an inventory of equipment necessary to field four production teams--and reiterates that it could not provide more details regarding its potential "freelance" staff as their availability was uncertain. Further, ICT maintains that its sample video is comprised of several types of production and, contrary to the evaluators' findings, depicts a diversity of productions and technical creativity.

An agency may properly determine whether to include a proposal within the competitive range by comparing the proposal evaluation scores and the proposal's relative standing. A proposal that is technically acceptable need not be included in the competitive range when, relative to other acceptable offers, it is determined to have no reasonable chance of being selected for award. Coe-Truman Technologies, Inc., B-257480, Sept. 12, 1994, 94-2 CPD ¶ 136; Curry Contracting Co., Inc., B-254355, Dec. 13, 1993, 93-2 CPD ¶ 334. We will not disturb a determination to exclude a proposal from the competitive range unless the record indicates the determination was unreasonable. Intown Properties, Inc., B-250392, Jan. 28, 1993, 93-1 CPD ¶ 73.

Based on our review of the RFP, ICT's proposal, and the evaluation, we find nothing objectionable in the evaluation or the resulting competitive range determination. We address two representative evaluation areas which demonstrate the reasonableness of the agency's judgment. According to the RFP, an offeror's qualification and experience was to be the most important and heavily weighted factor in the evaluation. The RFP required offerors to describe their corporate experience and qualifications in all elements of the statement of work and to discuss the firm's experience in live, multi-site video teleconferencing by satellite transmission and two-way audio/video live communications. Offerors also were advised to discuss the qualifications and experience of the individual management officials and other key personnel and to furnish resumes for individual staffers to demonstrate each individual's training and work experience.

In reviewing ICT's proposal, the evaluators noted that the firm simply described its corporate experience in terms of the audiovisual and video services provided to the agency and failed to demonstrate the firm's experience in multi-site video teleconferencing and two-way audio/video live communications. Further, while ICT

submitted resumes for five individuals, it did not indicate which of the eight labor categories listed in the solicitation each of these individuals would fill. Moreover, the proposal failed to identify any "freelancers" ICT proposed to use, their qualifications, or which "freelancer" would be responsible for various projects, as required by the RFP. Overall, the evaluators concluded that ICT's proposal response was inadequate and did not have the detail required to enable the evaluators to perform a complete evaluation with respect to this evaluation factor. ICT's proposal received a score of 38 of the 50 points allotted to this evaluation factor.

Under the second most important evaluation factor, technical approach, the RFP required, among other things, that offerors discuss their plans for accomplishing video teleconferencing via satellite transmission and their logistical approach in achieving live two-way audio/video communications. According to the RFP, offerors were to address their capability to perform these services including, their ability to provide experienced/qualified personnel to perform pre-production, production and post-production elements of video projects. The evaluators were concerned with the lack of information in ICT's technical approach for accomplishing video teleconferencing via satellite transmission to multiple receiving sites and its failure to address the logistics required for performing these services from multiple sites. In this regard, the evaluators noted that ICT's technical approach lacked information concerning who would be responsible for each element of the project as well as the production equipment and personnel ICT considered essential to perform these projects. The evaluators assigned a score of 10 out of a possible 20 points for this factor.

We find nothing in the proposal which shows the evaluators' conclusions were unreasonable. While the protester has attempted to show that its proposal deserved additional technical points under each of the technical areas and has offered an explanation as to why certain information was not included in its proposal, it does not dispute that the RFP required specific information in each of the areas in which the firm's proposal was found lacking. It is an offeror's responsibility to furnish all of the information required by the solicitation, and an agency therefore properly may exclude from the competitive range an offer with significant informational deficiencies. Cook Travel, B-238527, June 13, 1990, 90-1 CPD ¶ 571. Here, whether or not ICT possesses the capability and experience to perform all the required tasks (including live, multi-site video teleconferencing), its proposal failed to present such information in the detail necessary for the evaluators to rate the proposal higher in any of the four technical areas. In short, it appears ICT placed an inappropriate emphasis on its incumbency status without regard to the specific requirements of this solicitation which included tasks not included in previous contracts. Its experience as the incumbent does not prove that the evaluators' judgment in evaluating ICT's proposal was unreasonable or otherwise improper. Realty Executives, B-237537, Feb. 16, 1990, 90-1 CPD ¶ 288.

Finally, ICT's reliance on the fact that it submitted the lowest price of the 10 technically acceptable offerors is misplaced. In view of the ICT's relatively low technical score in the areas of management/key personnel and technical approach, the agency concluded that the protester's significantly low price was unrealistic. Specifically, the agency was concerned that the protester's failure to provide information on its proposed staffing (other than the five individuals for whom it submitted resumes) and its failure to address the logistics and manpower required to accomplish live, multi-site video teleconferencing via satellite and two-way audio/video productions, reflected its lack of understanding of the staffing, video teleconferencing and audio/video requirements. The agency concluded that if ICT were permitted to correct these weaknesses in its proposal, the revisions would result in a significant increase in the protester's offered price. We think that conclusion was reasonable since every other higher-rated proposal was significantly higher priced. In any event, given the solicitation's emphasis on technical merit over price, and the agency's receipt of several superior technical proposals (the evaluation of which the protester has not challenged), we think that notwithstanding ICT's price, the agency reasonably determined that ICT's proposal did not have a reasonable chance of award and properly excluded the proposal from the competitive range. Paragon Imaging, Inc., B-249632, Nov. 18, 1992, 92-2 CPD ¶ 356.

The protest is denied.

Comptroller General
of the United States