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**Comptroller General
of the United States**

**United States General Accounting Office
Washington, DC 20548**

Decision

Matter of: American Artisan Productions, Inc.

File: B-293801.2

Date: June 7, 2004

Arthur L. Friedman for the protester.
Sherry K. Kaswell, Esq., and Alton E. Woods, Esq., Department of the Interior, for the agency.
Paula A. Williams, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency misevaluated protester's quotation is denied where record shows that evaluation was reasonable and consistent with solicitation evaluation criteria.

DECISION

American Artisan Productions, Inc. (AAP) protests the issuance of a purchase order to Insight Exhibits under request for quotations (RFQ) No. JSQ044023, issued by the Department of the Interior, Bureau of Land Management (BLM), to design and construct a complete interpretive exhibit at a dinosaur quarry. AAP maintains that the agency misevaluated its quotation.

We deny the protest.

The RFQ identified the procurement as a commercial item acquisition under Federal Acquisition Regulation (FAR) Part 12 and provided that the agency would use simplified acquisition procedures contained in FAR Part 13. The selected vendor was to design, fabricate, ship, and install interior and exterior exhibits at the BLM Cleveland Lloyd Dinosaur Quarry located in Utah. The RFQ contemplated the issuance of a fixed-price purchase order for these services to the vendor whose quotation was considered most advantageous to the government, price and other factors (technical performance and past performance) considered. Under the evaluation scheme, the technical performance and past performance factors, when combined, were significantly more important than price.

To assess technical performance, the RFQ advised that the vendor's approach to the project and the demonstrated creativity of key personnel proposed for this project would be evaluated. Under past performance, vendors were required to provide performance information for at least three completed design, fabrication, and/or design/fabrication projects that were the same as, or similar to, the services being solicited here. This information would be reviewed by the agency to assess the experience of each vendor's past performance in the areas of quality of product and work performed, timeliness of performance, cost control, business relations, and customer satisfaction.

Eleven vendors, including AAP and Insight Exhibits, submitted quotations. A technical evaluation team reviewed and evaluated quotations under the non-price factors using a numeric scoring system. As a result, under the non-price factors, AAP received a score of 58.67 points out of a possible total of 80 points and was ranked fifth overall.¹ In evaluating AAP's quotation, the contracting officer reports that the evaluators specifically found as follows:

As this project is for an interpretive display for a dinosaur quarry, it would be assumed the protester would have provided information relevant to work done focusing on paleontology exhibits. This firm was not awarded the full percentage points due to their apparent lack of extensive experience in this field.

....

In two of the projects submitted for past performance, there appear to be cost overruns with no explanation as to why the final price is higher than the contract price. . . . Cost control was a stated element of the past performance criteria.

Contracting Officer's Statement at 3-4.

AAP protests these evaluation findings as inaccurate and misleading, basically arguing that its quotation reflected sufficient experience under the past performance factor on the part of the firm and its key personnel to perform the solicited services,

¹ The quotations of the four higher-ranked vendors received the following point scores under the non-price factors: Insight Exhibits--69.33; Offeror A--68.00; Offeror B--66.67; and Offeror C--61.33. As relevant here, both AAP and Insight Exhibits proposed the identical total price of \$100,000. The contracting officer subsequently limited "discussions" to the vendors with the three highest-ranked quotations, and issued the purchase order to Insight Exhibits as the vendor submitting the best value quotation. Agency Report (AR) exh. 5, Technical Evaluation; exh. 4, Price Abstract.

and that its quotation was improperly downgraded on the basis of an unstated evaluation factor—that AAP lacked experience in paleontology exhibit projects. AAP also complains that the agency erred in downgrading its past performance record in the area of cost control, alleging that the agency failed to contact its listed references or AAP itself to obtain an explanation regarding cost overruns on two of its three project references. Protester’s Comments at 3-6.

As noted above, the procurement was conducted under simplified acquisition procedures. Simplified acquisition procedures are designed to, among other things, reduce administrative expenses, promote efficiency and economy in contracting, and avoid unnecessary burdens for agencies and contractors. FAR § 13.002. These procedures provide discretion to contracting officers to use one or more of the evaluation procedures in FAR Parts 14 and 15. See FAR § 13.106-2(b); Finlen Complex, Inc., B-288280, Oct. 10, 2001, 2001 CPD ¶ 167 at 8-10. When using these procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition and must evaluate quotations in accordance with the terms of the solicitation. In reviewing protests of an allegedly improper simplified acquisition evaluation, we examine the record to determine whether the agency met this standard and exercised its discretion reasonably. Russell Enters. of North Carolina, Inc., B-292320, July 17, 2003, 2003 CPD ¶ 134 at 3.

The primary issue here is AAP’s claim that its quotation was improperly downgraded for failing to demonstrate experience in designing and fabricating paleontology exhibits, which the protester asserts was not stated in the solicitation as an evaluation factor. Protest at 3. However, based on the language in the RFQ, this aspect of AAP’s experience was clearly encompassed by the past performance evaluation factor which called for the vendor to identify at least three completed projects that were the same or similar to the services being solicited here. In this respect, this is a solicitation for a contractor to design and fabricate interpretive exhibits for the Cleveland Lloyd Dinosaur Quarry which, the RFQ advised, has produced the greatest accumulation of dinosaur bones ever found. RFQ amend. 1, at 4. Consistent with this, the record shows that BLM reasonably considered the vendors’ experience with paleontology exhibit projects under the past performance evaluation factor because this type of experience was directly related to the work solicited here. We find that the agency’s consideration of the vendors’ paleontology exhibit experience did not constitute the use of an unstated evaluation criterion since this consideration was reasonably and logically encompassed by the past performance factor set forth in the RFQ.

As stated above, the agency concluded that the protester did not appear to have extensive paleontology exhibit experience. The record confirms the agency’s assessment that AAP’s experience, as described in its quotation, did not reflect

extensive paleontology exhibit experience.² Therefore, we do not find the agency's downgrading of AAP's quotation on this basis unreasonable.

We also find that the agency reasonably downgraded AAP's quotation in the past performance area of cost control. As noted by BLM, AAP's quotation disclosed that it had cost overruns on two previous projects, which AAP failed to explain. While AAP insists that the reasons for the cost overruns could have been ascertained from the project references or from AAP itself, we note that it is not the responsibility of the agency evaluators to solicit missing information. It is the vendor's obligation to submit an adequately written quotation for the agency to evaluate and a vendor that does not do so runs the risk that its quotation will be downgraded or rejected as unacceptable. See Northwest Mgmt., Inc., B-277503, Oct. 20, 1997, 97-2 CPD ¶ 108 at 5. Since the description of the two projects in AAP's quotation listed the final contract price as higher than the original contract price, the agency's determination that AAP apparently had cost overruns on those contracts was not unreasonable, particularly in the absence of any explanation in AAP's quotation for these apparent cost overruns. Further, in its protest and comments on the agency report, the protester neither alleges, nor establishes, that the agency's determination that there were cost overruns with respect to these two contracts was incorrect.

In sum, we find the agency's evaluation of AAP's quotation to be reasonable, and we find no basis to object to the issuance of the order to Insight Exhibits, which submitted a higher-rated quotation at the same price as quoted by AAP. The protester's disagreement with the evaluation simply does not show that the evaluation was unreasonable.

The protest is denied.

Anthony H. Gamboa
General Counsel

² In its comments on the agency report, AAP acknowledges that "when we lack some specialized expertise we try to hire the best in the nation. Three of our team members on this project are currently completing work on the Utah Field House of Natural History." Protester's Comments at 3. The record shows that the agency gave the protester credit for its team members' paleontology experience. However, the record further shows that AAP lost points because many of the projects identified in its quotation did not include any paleontology related work. AR exh. 5, Technical Evaluation.