



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: The Arora Group, Inc.

File: B-270706.2

Date: June 18, 1996

Sudhir Arora for the protester.

Thomas J. Duffy, Esq., and Daria H. Rusyn, Esq., Department of the Army, 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

Proposed award to the offeror with the highest technical evaluation score is unobjectionable where record establishes that technical evaluation of proposals was done in accordance with the evaluation criteria and agency reasonably concluded that there were significant distinctions between the protester's and proposed awardee's relevant experience which led the agency to rate the proposed awardee higher under that category.

DECISION

The Arora Group, Inc. protests the selection of Dr. Isis Hannallah for award of a contract under request for proposals (RFP) No. DAHC35-95-R-0010, issued by the Department of the Army for radiology services. Arora alleges flaws in the agency's evaluation of both its own and Hannallah's proposals, specifically referencing certain advantages associated with its radiologists' subspecialty and post graduate training.

We deny the protest.

Issued as a total small business set-aside, the RFP sought proposals for two full-time radiologists to provide diagnostic radiology services at DeWitt Army Community Hospital, Fort Belvoir, Virginia. The services will include diagnostic interpretation of radiologic examinations, diagnostic consultation related to diagnostic imaging, and the full range of routine diagnostic and therapeutic work performed by a board certified diagnostic radiologist. The RFP anticipated the award of a fixed-price contract for a base period with four 1-year options. Award was to be made to the offeror whose proposal was most advantageous to the government, price and other factors considered. Technical merit was considered

more important than price, but the RFP advised that if the technical scores of two or more offerors were the same, then price would be the deciding factor.

Proposals were to be evaluated on the basis of two technical factors listed in descending order of importance: experience and understanding of the requirement. The experience evaluation factor (which was substantially more important than understanding of the requirement factor) is comprised of two subfactors--the experience of the proposed radiologists, and industry and government contracts performed during the past 2 years.

Six timely proposals were received and after an initial evaluation, the agency included all six proposals in the competitive range. Technical issues were raised with each offeror during several rounds of discussions following which best and final offers (BAFOs) were requested and received. Evaluation of BAFOs resulted in Hannallah's BAFO receiving a perfect technical score of 100 out of a possible 100 points, and Arora's BAFO a technical score of 98 points. Each firm's identical BAFO prices were determined to be reasonable and realistic. In making the selection, the contracting officer, as source selection authority, noted that Hannallah's proposal reflected superior technical merit, as indicated by its score, which was the highest assigned. She concurred with the evaluators' determination that Hannallah's proposal was superior to Arora's because its proposed radiologists have the most general and diverse radiology experience (as compared to Arora's more specialized radiology experience) and that, as the incumbent, Hannallah possessed the most relevant past performance among the offerors. The contracting officer determined that Hannallah's proposal represented the best value to the government and selected that firm for award. After receiving notice of the selection, Arora filed this protest.¹

Arora argues that in judging the relative merit of both its own and Hannallah's proposal, the Army improperly evaluated the offerors' experience. According to Arora, its proposal should have been considered superior given the experience, board certification and subspecialty fellowship training Arora's radiologists possess

¹In its original protest, Arora challenged the reasonableness of the agency's evaluation of proposals. In response, the Army advised our Office that the agency had evaluated the two proposals using an unstated subfactor and reported that it would take corrective action by re-evaluating the proposals without using the unstated subfactor. We dismissed Arora's protest as academic in light of the corrective action. However, the re-evaluation resulted in no change to Hannallah's technical score; on the other hand, Arora's score increased from 98 to 98.6 points. Thus, the contracting officer again selected Hannallah for award and Arora then timely reinstated its protest.

and the firm's greater experience in providing contract radiology services to the government.

The evaluation of technical proposals is primarily a matter within the contracting agency's discretion since it must bear the burden of any difficulties resulting from a defective evaluation. Sherikon, Inc.; Technology Management & Analysis Corp., B-256306 et al., June 7, 1994, 94-1 CPD ¶ 358. We will examine an evaluation to ensure that it was reasonable and consistent with the RFP's evaluation criteria. Our review of the record here provides no basis for objecting to the evaluation of Arora's level of experience.

Here, while the record shows that the agency recognized the subspecialty fellowship training in radiology which Arora's radiologists possess, it reports that the evaluators did not regard this subspecialty training a significant discriminator under the experience evaluation factor. This assessment was based on the resumes submitted by each offeror which show that Hannallah's proposed radiologists have more direct radiology experience in performing the tasks required in this solicitation whereas Arora's proposed radiologists' experience is heavily weighted in one subspecialty area (such as neuroradiology) which was not particularly relevant to performance of this contract for more routine services. For example, each of Hannallah's radiologists are board certified, have additional fellowship training in general radiology (although less than Arora's), and substantially more years of experience in the day-to-day practice required in a general radiology department. In comparison, Arora's board certified radiologists have less recent experience in general radiology and more specialized training such as Dr. Arora, who has subspecialty training in neuroradiology, and has practiced in that subspecialty area for many years. The contracting officer and evaluators simply concluded that Hannallah's proposed radiologists had more direct experience in general radiology and the day-to-day practice of running a general radiology department. The record, which includes a comparison of the personnel proposed, supports this conclusion. Notwithstanding its general claim that the credentials its radiologists possess are the best of all the competitors, Arora has not identified anything erroneous or improper in the agency's evaluation of its or Hannallah's experience. Consequently, we have no basis to question the evaluation of either firm's experience as unreasonable.

Arora also contends that the agency improperly failed to make qualitative distinctions between the competing proposals under the past experience subfactor inasmuch as the protester has performed under more radiology services contracts compared to Hannallah. We disagree. The RFP here sought proposals demonstrating the offerors' past experience under similar contracts during the past 2 years. The record shows that the evaluators gave the maximum score possible under this subfactor to Hannallah based on the fact that it had been the incumbent for this contract, and thus had actually performed in the areas of work outlined in

the statement of work. We see nothing unreasonable with the agency's approach since Hannallah's experience was in performing precisely the type of work contemplated by the RFP. See Fidelity Technologies Corp., B-258944, Feb. 22, 1995, 95-1 CPD ¶ 112.

The protest is denied.

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