



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Triple P Services, Inc.

File: B-271777

Date: July 24, 1996

Theodore M. Bailey, P.C., Esq., for the protester.

Ralph B. Wahlberg for Teltara, Inc., an intervenor.

Captain Philip T. McCaffrey, Department of the Army, for the agency.

Ralph O. White, Jr., Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Contention that agency improperly evaluated protester's proposal and impermissibly made award on the basis of initial proposals is denied where the record shows that the agency reasonably concluded that the protester's proposal was unacceptable as submitted, and appropriately selected the lowest-priced technically acceptable proposal for award, as the solicitation indicated it would.

DECISION

Triple P Services, Inc. protests the award of a contract to Teltara, Inc. under request for proposals (RFP) No. DABT02-95-R-0005, issued by the Department of the Army for hospital housekeeping and grounds maintenance services at the Noble Army Community Hospital, Fort McClellan, Alabama. Triple P argues that the Army unreasonably found its proposal unacceptable in four of five evaluated areas, and improperly made award on the basis of initial proposals.

We deny the protest.

The RFP for these services anticipated award to the offeror submitting the lowest-priced technically acceptable offer. Section M of the RFP set forth five evaluation factors: (1) staffing plan; (2) prior experience in hospital custodial services; (3) orientation training; (4) quality control plan; and (5) safety plan. Section M also reserved the right to award on the basis of initial proposals, without discussions.

By the closing date of November 28, 1995, the Army received 11 proposals. Upon conclusion of the evaluations, four proposals were rated acceptable; none were rated susceptible to being made acceptable; and the remaining seven, including Triple P's proposal, were rated unacceptable. Based on these results, the Army decided not to hold discussions, and awarded to the offeror submitting the

lowest-priced acceptable offer, Teltara Inc. on March 22, 1996. Because Triple P's proposal was rated unacceptable, it was not considered for award, even though its price (\$1,091,196.51) was lower than Teltara's (\$1,146,648). Upon learning that its lower-priced proposal was not selected for award, Triple P filed this protest.

Triple P challenges its evaluation in each of the four areas where the Army rated its proposal unacceptable--i.e., staffing plan; orientation training; quality control plan; and safety plan. Triple P also contends that any flaws in its proposal could easily have been remedied with discussions.

In considering a protest against an agency's evaluation of proposals, we will examine the record to determine whether the agency's judgment was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. ESCO, Inc., 66 Comp. Gen. 404 (1987), 87-1 CPD ¶ 450. Based on our review of the record here, we see no basis for concluding that the evaluation was unreasonable.

For example, the RFP at paragraph C.1.2.3.1 required the contractor's employees to complete orientation training covering housekeeping for medical treatment facilities, including training in infection control, within 2 weeks prior to beginning work. An exception to this requirement was that employees who had previously been trained were permitted to complete retraining within 2 weeks after starting work. Triple P's proposal stated only that new employees would receive training within 14 days of the employees' starting dates.

The Army evaluators concluded that Triple P's proposal failed to meet the RFP's requirements for orientation training and rated the proposal unacceptable in this area. The evaluators explained that housekeepers "must be trained in and familiar with [i]nfection [c]ontrol procedures, [b]lood [b]orne [p]athogens, [u]niversal [p]recautions, [p]atient [c]onfidentiality, [and] handling of medical waste . . . BEFORE they begin work in the hospital environment." According to the Army, the proposal was unacceptable because it only addressed training for new employees, and even then, failed to commit to completion of such training before placing new employees in the hospital environment. In responding to the Army, Triple P points out that it intends to offer employment to the housekeeping staff of the incumbent contractor, and that the incumbent employees could be trained after beginning work.

Despite Triple P's intent to hire the incumbent workforce, there is no guarantee that the entire workforce will accept Triple P's offer of employment. Thus, the Army was correct in its criticism that the proposal offers no recognition of the additional training requirements in this critical area if Triple P must supplement the existing workforce with new hires. In addition, we note that Triple P's proposal appears inconsistent with the RFP's requirements for training new hires--i.e., Triple P

anticipates training of new employees within 14 days of beginning work, rather than 14 days before. As the Army explains, there are numerous hazards for the employees—as well as for hospital patients and visitors—arising from untrained hospital personnel. These include hazards arising from failure to properly disinfect all areas, failure to properly handle bloody materials, and failure to properly handle and dispose of needles and other sharp, and potentially infectious, hospital instruments. Given these reasonable concerns, and the clear importance of this area—concisely communicated by its inclusion in section M as one of the five critical areas wherein a proposal must be acceptable—we see no basis to question the evaluation of the protester's proposal under this factor.

Moreover, the record shows numerous other problems with the proposal. First, the proposal was filled with typographical errors and/or misstatements—i.e., the proposal contained numerous inappropriate references suggesting that portions of the document had been lifted from other proposals; these include references to different governmental entities (the Air Force, Fort Bragg), other Army hospitals (Lyster Army Medical Center), and hazards related to providing food services, none of which were applicable to the work here. The proposal also contained instances of seriously flawed analysis of the solicited requirements, such as aspects of its safety plan that appear to be wholly inappropriate for hospital maintenance employees.¹ Thus, Triple P's initial proposal could not be accepted.

With respect to Triple P's contention that the agency should have held discussions to permit it to correct any deficiencies in its proposal, there is generally no requirement that an agency hold discussions when the solicitation advises offerors that award may be made without discussions. Federal Acquisition Regulation § 15.610(a)(3); Infotec Dev., Inc., B-258198 et al., Dec. 27, 1994, 95-1 CPD ¶ 52. Given that the solicitation advised offerors of the possibility of award without discussions, and given our conclusion that the Army reasonably determined that Triple P's proposal was unacceptable as written, there was no requirement for the agency to hold discussions with Triple P. ACR Elecs., Inc., B-266201, Jan. 24, 1996, 96-1 CPD ¶ 19.

The protest is denied.

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¹For example, the Army evaluators were incredulous at the proposal's direction to hospital maintenance workers to "[i]mmmediately proceed to the fire" in the event of a fire alarm. Nothing in the protester's comments causes us to conclude that the evaluators' concern was unfounded.