



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Jet Investments, Inc.

File: B-276215; B-276215.2

Date: May 22, 1997

Phillip B. Allen, Esq., for the protester.

Maj. Michael J. O'Farrell, Jr., for the agency.

Katherine I. Riback, Esq. and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation required offerors to submit specific information setting forth their transportation and quality control plans, proposal was properly found unacceptable because of protester's failure to submit the required information regarding these plans.

DECISION

Jet Investments, Inc. protests the award of a contract to Command Management Services, Inc. (CMS) under request for proposals (RFP) No. DAKF57-96-R-0016, issued by the Department of the Army for meals, lodging, and transportation for the Military Entrance Processing Station, in Oakland, California. Jet primarily contends that its proposal was unfairly evaluated.

We deny the protest.

The solicitation, issued on October 11, 1996, contemplated the award of a fixed-price requirements contract for a base year with four 1-year options. The RFP's evaluation scheme provided that proposals would be evaluated under the following criteria, in descending order of importance: quality, past performance, and price. Award was to be made, without discussions, to the offeror whose proposal was most advantageous to the government, price and other factors considered. The solicitation also instructed offerors as to information required to be included in technical proposals to permit technical evaluations, including a transportation plan with certain specified information (including the routes to be used to transport the military personnel and the frequency of departure), and a quality control plan detailing policies and procedures regarding customer service and corrective action taken to rectify identified deficiencies.

The agency received three proposals by the November 19 closing date. The proposals of CMS and another offeror both received overall technical ratings of "excellent," while Jet's proposal received an overall rating of "unacceptable." Jet's proposal was found unacceptable because it did not include a quality control plan, and because overall the proposal lacked sufficient detail to convey Jet's approach to the evaluators. The agency determined that CMS offered the best value to the government and made award to that company on January 29, 1997. This protest followed.

Jet argues that the agency improperly evaluated its proposal. Jet contends that the agency did not adequately take into account the fact that it operates the proposed hotel and owns its proposed transportation fleet. Jet complains that the agency discounted its proposal for lacking a quality control plan, when its proposal did, in fact, contain a section entitled "quality control plan." Finally, Jet contends that the agency improperly rated its past performance with the Military Sealift Command as "satisfactory," rather than "excellent." Jet contends that the agency improperly downgraded its proposal for "technical" reasons, based on the "words on the page," when "what really matters is performance."

The agency points out that Jet's proposal failed to include much of the information required by the solicitation. While the agency recognized that Jet owned and managed the proposed hotel and viewed Jet's on-site management as a plus, it also noted that Jet's transportation plan failed to include any information on the maintenance or safety inspection plans for its vehicles or to identify the routes that would be used, as required by the RFP. In this regard, Jet's proposal stated only that "routes will depend on weather and traffic." The agency also noted that while Jet's proposal did include a section entitled "quality control plan," this section only restated Jet's small disadvantaged business status, and included no information about or references to methods it would employ to identify and correct deficiencies.

An offeror in a negotiated procurement disregards at its peril a solicitation's instructions to provide specific information with its written proposal. Allenhurst Indus., Inc., B-256836; B-256836.2, July 8, 1994, 94-2 CPD ¶ 14 at 4. Based on our review of the record, we find that Jet failed to follow the RFP's clear, specific instructions and that the agency reasonably concluded that the information the firm did provide was insufficient to show that Jet understood or would satisfy the requirements of the contemplated contract. Notwithstanding Jet's contrary assertion, its proposal does not contain any quality control plan whatsoever, its

transportation plan is sparse, lacking all of the required information, and its proposal is cryptic and nonspecific throughout. Accordingly, we have no basis to question the agency's determination that Jet's proposal was unacceptable.¹

The protest is denied.

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¹Because Jet's proposal properly was rejected as technically unacceptable, Jet's objections to the evaluation of CMS' proposal are not for consideration on the merits. Jet is not an interested party to raise this challenge because there is another technically acceptable proposal that would be in line for award if CMS' proposal were not selected. Hughes Technical Servs. Co., B-245546.3, Feb. 12, 1992, 92-1 CPD ¶ 179 at 8. Also, while Jet contends that the agency held discussions with CMS and therefore should have held discussions with the remaining offerors, since Jet's proposal was properly viewed as technically unacceptable, the agency was under no obligation to conduct discussions with it even if discussions were held with the other offerors. International Resources Corp., B-259992, Apr. 14, 1995, 95-1 CPD ¶ 200 at 5.