



United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: Dennis Cantrell

File: B-289169

Date: December 19, 2001

Dennis Cantrell for the protester.

Alan D. Groesbeck, Esq., Department of Agriculture, for the agency.

Louis A. Chiarella, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency's decision to make award based on a higher technically-rated, higher-priced proposal is unobjectionable where the agency reasonably determined that the awardee's significantly greater experience in the solicited work was worth the relatively modest price premium.

DECISION

Dennis Cantrell protests the award of a contract to Family Enterprises, Inc. under request for proposals (RFP) No. R8-03-01-05, issued by the Forest Service, Department of Agriculture, for reconstruction of a portion of the Bartram Trail in northern Georgia. Cantrell contends that the agency's selection decision was unreasonable.

We deny the protest.

The RFP, issued July 15, 2001, contemplated the award of a fixed-price contract for the reconstruction of a 13.5-mile portion of the Bartram Trail. The solicitation established three technical factors: experience (worth 30 percent), quality of service (worth 40 percent), and timeliness of performance (worth 30 percent). The RFP notified offerors that price was of approximately equal importance to the technical evaluation factors. The solicitation stated that the award "will be made to that offeror (1) whose proposal is technically acceptable and (2) [whose] technical/cost relationship is the most advantageous to the government." RFP § M.

Five proposals, including those of Mr. Cantrell and Family Enterprises, were submitted by the August 15 due date. Mr. Cantrell submitted the lowest-priced offer of \$96,725.49 and Family Enterprises the second-lowest price of \$102,767.50. The

technical evaluation scores of the two highest rated proposals of Mr. Cantrell and Family Enterprises were as follows:

Technical Factor	Family Enterprises	Dennis Cantrell
Experience	29.3	20
Quality	38.7	37.7
Timeliness	29.3	27.7
Total	97.3	85.4

Agency Report, Tab 17, Technical Evaluation Score Record. The technical evaluation panel's written report to the contracting officer included the evaluation scores, scoring worksheets, strengths, and weaknesses of all five offerors. As indicated by the scores, the evaluation report found that the proposals of Family Enterprises and Mr. Cantrell were similarly strong with regard to both quality and timeliness, but that the proposals differed as to experience. The evaluation panel noted that Family Enterprises' experience consisted of "15 individual trail contracts with one of these being on this forest," while Mr. Cantrell's experience consisted of "one trail contract and several bridge contracts."¹ Agency Report, Tab 16, Technical Evaluation Panel Report, at 1-2.

In comparing the proposals of Family Enterprises and Mr. Cantrell, the contracting officer found that Family Enterprises' proposal enjoyed a substantial advantage over Mr. Cantrell's proposal under the experience factor. The contracting officer noted that notwithstanding the "exceptional quality on the work previously performed" by both offerors, "the depth of experience and knowledge offered by Family Enterprises is a significant advantage" that represents "real value to the Forest Service." The contracting officer determined that Family Enterprises' superior technical proposal outweighed the \$6,042 price advantage of Mr. Cantrell's lower-rated proposal, and awarded the contract accordingly. Agency Report, Tab 15, Source Selection Decision, at 2. Following a debriefing, this protest followed.

Mr. Cantrell protests the agency's award selection decision. The protester argues that given the close technical ranking of the offerors, the agency's decision to make award to a company whose price is several thousand dollars higher was improper and did not actually represent best value to the government.

In a best-value acquisition, agencies are not required to make award on the basis of low cost or price; agencies may make price/technical tradeoffs, and the extent to which one is sacrificed for the other is governed only by the test of rationality and consistency with the stated evaluation criteria. KPMG Peat Marwick, L.L.P.,

¹ Mr. Cantrell had recently completed a separate reconstruction contract for an adjoining 4.7-mile section of the Bartram Trail, where he received an excellent rating for the work performed.

B-271673, July 15, 1996, 96-2 CPD ¶ 53 at 5. Here, in reaching her decision to select Family Enterprises for award, the contracting officer weighed the price and technical differences between the two proposals. She noted, correctly, that “[t]he critical factor in making any cost/technical tradeoff is not the spread between the technical scores, but rather what is the significance of that difference.” The contracting officer observed that Family Enterprises had “more extensive trail building experience using Forest Service Standard Trail Specifications and more experience in practical application of the specifications to on-the-ground conditions” than did Mr. Cantrell. She judged the technical advantage relevant: “This gives Family Enterprises a much greater depth of experience they can draw upon when faced with situations in the field during the performance of the work.” Agency Report, Tab 15, Source Selection Decision, at 2. The contracting officer thus concluded that the technical superiority of Family Enterprises’ proposal justified the price premium involved. Based on our review, the contracting officer’s award selection decision is reasonable, supported by the evaluation record, and consistent with the evaluation criteria.²

The protest is denied.

Anthony H. Gamboa
General Counsel

² The protester, in its comments on the agency report, contends that the agency’s scoring of its proposal as to timeliness was unreasonable. Mr. Cantrell alleges that the agency’s evaluation here (27.6 out of 30 points) was inconsistent with his exemplary record of timeliness. However, the contracting officer found Mr. Cantrell comparable to Family Enterprises’ near-perfect score for timeliness; the determinative factor in the cost/technical tradeoff was the superior experience provided by Family Enterprises. Agency Report, Tab 15, Source Selection Decision. Since even changing Mr. Cantrell’s timeliness score to a perfect 30/30 would thus not affect the award selection, we need not resolve this issue.