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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Carpetmaster

File: B-294767

Date: November 4, 2004

Raul Elvins for the protester.

Cecillia Chu, Esq., General Services Administration, for the agency.

Jonathan L. Kang, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of protester's experience is denied where the protester failed to adequately demonstrate its experience as required by the request for proposals.

DECISION

Carpetmaster protests the award of a contract to MC Cova Services, Inc. under request for proposals (RFP) No. GS-09P-04-KSC-0054, issued by the General Services Administration for janitorial, grounds and related services. Carpetmaster challenges the agency's evaluation of its experience references, and further alleges that MC Cova is ineligible to receive the award, which was restricted to small disadvantaged offerors under the Small Business Administration's (SBA) section 8(a) contracting program.

We deny the protest.

The RFP was a total set-aside for 8(a) businesses and contemplated the award of a fixed-price contract for "all management, supervision, labor, materials, supplies, equipment and interpersonal skills necessary to ensure the effective performance of Janitorial and/or Grounds Maintenance and/or Related Services" for nine buildings at the United States Border Station in Otay Mesa, California. RFP at 3. Award was to be made to the "responsible offeror whose offer conforming to the solicitation will be the most advantageous to the government." RFP amend. 3, at 79, ¶ (a). The two RFP technical evaluation factors, experience and past performance, were, when combined, worth significantly more than price. Id.

The RFP required offerors to identify experience “in performing similar work to those described in the solicitation within the past three (3) years and similar contracts and subcontracts currently in progress,” and specified that “[o]fferors who do not, as a minimum, demonstrate experience performing similar work to those described in the solicitation within the past three years (with at least three years of performance completed), will fail to meet the standard.” RFP amend. 3, at 17, ¶ 1. The RFP required offerors to identify for each experience reference: “Customer’s name, Customer’s Contracting Officer’s Name, Address and Phone Number, Contract Number, Place of Performance, Period of Performance, Dollar Amount of Contract, [and] Description of the Work Performed.” RFP amend. 3, at 14, ¶ a.10.

As relevant here, Carpetmaster’s proposal was ranked 10th in line for award. Supplemental Agency Report (SAR), attach. 1, Price Analysis & Award Recommendation, at 2-3. Although Carpetmaster’s price was third lowest of the 18 competitors, its technical proposal score was ranked 14th because the agency determined that Carpetmaster did not adequately address the experience requirements. *Id.* The agency concluded that Carpetmaster’s “price savings was not justified by [its] overall poor technical rating.” SAR, attach. 2, Technical Evaluation Team Report, at 2. The agency determined that MC Cova, which submitted the highest technically rated proposal and proposed a higher price than Carpetmaster, should be awarded the contract. SAR, attach. 1, Price Analysis & Award Recommendation, at 4.

Carpetmaster protests that the agency failed to give it appropriate evaluation credit for its experience references. In reviewing a protest of a procuring agency’s evaluation of offerors’ technical proposals, our role is limited to ensuring that the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. Urban-Meridian Joint Venture, B-287168, B-287168.2, May 7, 2001, 2001 CPD ¶ 91 at 2. Our Office will not question an agency’s evaluation judgments absent evidence that those judgments are unreasonable or contrary to the stated evaluation criteria. Kay & Assocs., Inc., B-291269, Dec. 11, 2002, 2003 CPD ¶ 12 at 4.

Carpetmaster’s proposal listed nine experience/past performance references; of those, only six listed janitorial and/or grounds keeping, and of those six, only two were within the 3-year time frame. AR, ex. 6, Carpetmaster Proposal, at 12-13.¹ Those two references within the time frame were for “janitorial and campground cleanup” for the U.S. Army Corps Of Engineers, and “various janitorial contracts” for

¹ Carpetmaster’s proposal also contains a separate list of eight additional references. However, these references were for “window cleaning,” and the agency determined that these did not describe work similar to the RFP. AR, ex. 6, Carpetmaster Proposal, at 14. The references further do not list dates of performance or other details required under the RFP. *Id.*

the City of Las Vegas. Id. at 13.² Neither of these references, however, listed all of the information required under the RFP, omitting contract numbers, dates of performance other than years, contract values, and details regarding the work, other than general descriptions (e.g., “janitorial” work). See id. at 15. The agency determined that the Corps and Las Vegas references were relevant and credited Carpetmaster with providing two of the three required experience references. SAR, attach. 4, Technical Ratings Summaries; SAR, attach. 3, Technical Proposal Notes, at 2-3. Based on Carpetmaster’s failure to provide three relevant experience references, the agency severely downgraded its proposal.³ SAR, attach. 2, Technical Evaluation Team Report, at 2.

The protester primarily argues that its reference for “various janitorial contracts with the City of Las Vegas” should have been interpreted and credited as more than a single experience reference. We disagree. It is an offeror’s responsibility to submit a proposal with adequately detailed information to allow a meaningful review by the agency. Interstate Gen. Gov’t Contractors, Inc., B-290137.2, June 21, 2002, 2002 CPD ¶ 105 at 5. Here, Carpetmaster’s reference for “various janitorial contracts” with the City of Las Vegas did not provide the information requested under the RFP. Although the agency found that the reference to the “various” Las Vegas janitorial contracts merited credit as a single reference, we do not believe that the agency acted unreasonably, given the lack of detailed information, in declining to credit the reference as multiple, relevant contracts.⁴

² Carpetmaster also claims that it performed a “janitorial services” contract for the Bureau of Land Management from 1992-2002. Protester’s Comments at 1. However, Carpetmaster’s proposal states that this contract was actually performed from 1992 to 1998—outside the relevant period set forth in the solicitation. AR, Tab 6, Carpetmaster Proposal, at 13.

³ Carpetmaster received a relatively high score under the past performance factor because, unlike the experience factor, the past performance evaluation factor did not limit references to a time period. RFP amend. 3, at 17, ¶ 1. The agency thus considered a third past performance reference for Carpetmaster that was outside the time limit for experience references. SAR, attach. 4, Experience and Past Performance Evaluation Forms.

⁴ Carpetmaster contends that the point of contact listed for its Las Vegas contract reference was “contacted twice by GSA personnel and that he confirmed the performance of more than one janitorial contract.” Protester’s Comments at 1. The record confirms that the agency contacted this individual regarding Carpetmaster’s past performance. There is no evidence, however, that the agency discussed Carpetmaster’s experience with the reference. See SAR, attach. 4, Experience and Past Performance Evaluation Forms, at 11. Although the agency could have asked the Las Vegas reference to provide details omitted from Carpetmaster’s proposal, it was under no obligation to do so. See Interstate Gen. Gov’t Contractors, Inc., supra,
(continued...)

Finally, we dismiss Carpetmaster's challenge to MC Cova's eligibility for this 8(a) award. Our Office does not review a firm's size status, which is solely a matter for the SBA. Bid Protest Regulations, 4 C.F.R. § 21.5(b)(1) (2004); Randolph Eng'g Sunglasses, B-280270, Aug. 10, 1998, 98-2 CPD ¶ 39 at 3.

The protest is denied.

Anthony H. Gamboa
General Counsel

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at 5. In any case, as discussed above, Carpetmaster did not provide the information required under the RFP, and the agency was under no obligation to seek this omitted information or interpret Carpetmaster's proposal as demonstrating more than one relevant contract for the City of Las Vegas.