



GAO

Accountability * Integrity * Reliability

Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Greater Pacific Aquatics

File: B-297654

Date: February 2, 2006

Daniel C. O'Keefe for the protester.

Erik Kattner, Department of the Air Force, for the agency.

Mary G. Curcio, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Under solicitation for lifeguard services, procuring agency reasonably rated protester neutral under past performance evaluation factor where protester's proposal showed that protester had managed swim team, but had not performed lifeguard services.

DECISION

Greater Pacific Aquatics protests the award of a contract for lifeguard services to Nora Camacho under Department of the Air Force request for proposals (RFP) No. FA5240-05-R-0014. Greater Pacific complains that the agency improperly evaluated its past performance.

We deny the protest.

The solicitation, for lifeguard services at Anderson Air Force Base (AFB) in Guam, provided for a "best value" award based on three evaluation factors: technical, past performance and price. Technical proposals were evaluated on a pass/fail basis; those that were rated pass then were evaluated for past performance, resulting in a performance risk rating, and price. For the past performance evaluation, offerors were to provide information about recent and relevant contracts for the same or similar services performed by the contractor, key personnel or significant subcontractors. The solicitation indicated that the past performance evaluation would take into account responses to performance questionnaires, references provided by the offerors, and other information independently obtained by the government. The solicitation stated that offerors with no similar past performance would be assigned a neutral performance risk rating.

Five offerors responded to the solicitation; only Greater Pacific's and Camacho's were rated technically acceptable, and both were rated neutral for performance risk. The agency therefore made award to Comacho based on its low price.

Greater Pacific maintains that it should have received a performance risk rating higher than neutral. In this regard, the protester's proposal did not include any references, completed questionnaires or contract numbers for contracts previously performed, but merely described a contract managing the swim team at Capehart Pool at Anderson AFB. Greater Pacific argues that the swim team contract was relevant--and thus should have resulted in a rating higher than neutral--because it involved management of the swim team and assistant swim coaches, and required communication directly with the manager and assistant manager of the outdoor recreation department at the base.

The evaluation of past performance is a matter within the discretion of the contracting agency, which our Office will review only to ensure that the agency's judgment was reasonable and consistent with the solicitation criteria and applicable statutes and regulations. Sterling Servs., Inc., B-286326, Dec. 11, 2000, 2000 CPD ¶ 208 at 2-3.

The evaluation was unobjectionable. As noted, the RFP called for a listing of prior contracts covering the same or similar services. The performance work statement (PWS) for the solicitation required the contractor, among other things, to provide lifeguards, follow a policies and procedures manual and quality control plan developed by the contractor, vacuum and scrub the pools, perform emergency clean-up procedures of any foreign substance (such as blood or vomit) in the pool facility, and conduct inspections to ensure that all required services were being performed. PWS at 2, 3. The contract described in the protester's proposal involved managing the swim team, with responsibility for providing swimming instruction, holding team tryouts and practices, planning team functions and competitions, and cooperating with other pool activities and personnel. Proposal at 4. In our view, the Air Force reasonably found that, as described, this contract did not encompass duties similar to those described in the PWS for the lifeguard services contract. This being the case, the agency reasonably rated Greater Pacific neutral for performance risk. There thus is no basis for us to object to the award.

The protest is denied.

Anthony H. Gamboa
General Counsel