

December 1, 2006

Mr. Jack Scalo
President
Burns & Scalo Roofing Company, Inc.
22 Rutgers Road
Suite 200
Pittsburgh, PA 15202-2550

RE: Supplier Disagreement Resolution Case No. OM07MF-02
Solicitation No.: 362575-06-A-00162

Dear Mr. Scalo:

You lodged a business disagreement on October 20 as defined in 39 CFR Part 601, with regards to the Postal Service's contract award of a Roof Replacement Project for a Bulk Mail Center located in Pittsburgh, Pennsylvania. You are requesting that the contract award be rescinded and another bid take place. As explained below, your disagreement is denied.

You contend that you received an Award Notification letter on September 27 stating that the roof replacement project had been awarded to Phoenix Roofing, Inc. for a total contract value of \$3,721,120. Subsequently, the contracting officer held a debriefing with you via conference call on October 2.

During the conference call, you learned that your offer passed the Contractor's Background and Certification Affirmation steps of the Technical Evaluation; however, during the next stage of the Technical Evaluation, you were given low rankings in the areas of Comparable Experience, Non-Comparable Experience and Key Personnel. You were told by the contracting officer that based on your evaluation rankings, you did not meet the prequalification criteria set forth by the Evaluation Committee (Committee) and thus no further evaluation action was taken. Based on the outcome of the review process, you are formally challenging the contract award to Phoenix Roofing, Inc.

According to the contracting officer's administrative file, the Committee established the following criteria and guidelines prior to reviewing the suppliers' proposals:

- Order of review: Prequalification, Management Plan, and then cost.
- If the contractor passes the qualification it will then have the management plan reviewed by the Committee. The contractor that passes the qualification, management plan review and has the lowest proposed price proposal will be recommended by the Committee as best value for the Postal Service.
- Packages will be rated on three areas: Comparable Experience, Non-Comparable Experience and Key Personnel.
- The passing qualification rating is 60%. If the contractor has a rating of 60% or greater then his management plan and price proposal will be reviewed.
- Comparable experience will be evaluated based on roofing projects that have been shown of similar scope and size to the proposed project.
- Non-Comparable experience will be evaluated based on roofing projects that are not within 50% of this projects estimated scope and size.

- Key personnel will be evaluated based on the contractor providing the names and hourly rates of the key personnel.

You contend that the Postal Service did not award best value; however, the Eastern Facilities Service Office (Eastern FSO) did in fact award this contract according to its criteria of best value. The Committee evaluated your submitted package, and with the information you provided, determined that the package did not meet the prequalification threshold. As discussed above, your package must first pass the prequalification before it is further reviewed by the Committee. Based on the Eastern FSO's best value criteria and guidelines, the Committee was not required to review your management plan or cost proposal. According to documentation in the contracting officer's administrative file, Burns & Scalo did not meet the 60% rating requirement which is the passing qualification score set by the Committee.

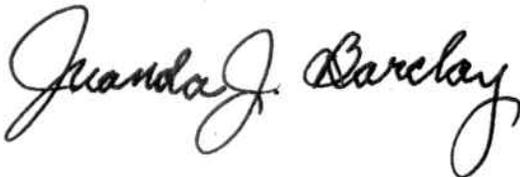
With respect to the area of Comparable Experience, according to the Committee, projects submitted by Burns & Scalo were approximately ½ the cost of the Architecture/Engineering estimate for this project; the projects submitted were insufficient in size compared to the proposed project; and Burns & Scalo did not provide sufficient information to justify a 60% rating. In your letter to the contracting officer dated October 3, you stated the following: "In compiling the list of recently completed jobs (as defined in your "Offerers Qualification Statement" form), we applied a very strict definition of the term "recent" by only listing projects completed in the last 12 months. Given our track record of performance, we've expanded the list...to include projects as an organization we have completed over the past several years." By your own admission, you decided to apply a "very strict definition" to the term "recent" by only listing projects in your submittal proposal completed in the last 12 months. The Eastern FSO did not restrict the definition of the term "recent" in the solicitation. You did provide additional roofing projects in your October 3 letter to the contracting officer; however, it was after contract award and could not be taken into consideration.

Additionally, because you failed to provide sufficient information in the area of Non-comparable experience, you received a low score which did not justify a 60% rating. Furthermore, you failed to submit hourly rates for your Key Personnel as requested in the solicitation.

Accordingly, I conclude that the award to Phoenix Roofing, Inc. was properly made by the contracting officer and represents the best value to the Postal Service. Your disagreement is denied and the award of solicitation no. 362575-06-A-00162 stands.

This is the Postal Service's final decision on this disagreement regarding solicitation no. 362575-06-A-00162 under 39 CFR 601.108(h).

Sincerely,



Juanda J. Barclay, C.P.M., A.P.P.
USPS Supplier Ombudsman

cc: Clement Schulze