



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: George T. Brown Associates, Inc.

File: B-404398

Date: January 26, 2011

George T. Brown Associates, Inc. for the protester.
Mark Langstein, Esq., John L. Guinan, Jr., Esq., and Lauren Didiuk, Esq., National Institute of Standards and Technology, for the agency.
Lois A. Hanshaw, Esq., Linda C. Glass, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's finding that protester's quotation was technically unacceptable is denied, where the record shows that quotation did not meet two of eight requirements in the statement of work and the evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

George T. Brown Associates, Inc. (Brown), of Annapolis, MD, protests the issuance of a purchase order to Granicus, Inc. (Granicus) under request for quotations (RFQ) No. SB1341-11-RQ-0002 issued by the National Institute of Standards and Technology (NIST) for live webcasting. Brown complains that the agency miscalculated its quotation and improperly issued a purchase order to a vendor with a higher-priced quotation.

We deny the protest.

BACKGROUND

The RFQ, which was issued on October 15, 2010 as a total small business set-aside, contemplated the issuance of a fixed-price purchase order for "full turn key" services to provide live webcasting of a 3-day public meeting of the Information Security and Privacy Advisory Board (ISPAB). RFQ at 1, 3. This meeting is hosted by the NIST Information Technology Laboratory (ITL) Computer Security Division (CSD) to discuss issues pertaining to information security and privacy. RFQ at 3. The RFQ included a statement of work that included eight specific tasks to be performed. One

of these tasks required the contractor to provide a link to the NIST/ITL/CSD website and provide a webcast page with the “same look/feel” as the current ISPAB page; another task required the contractor to allow viewers to send, post, and tag questions to posted agenda items. RFQ at 3.

The RFQ stated that the purchase order would be issued to the vendor who submitted the lowest-priced, technically-acceptable quotation. RFQ at 2. To be technically acceptable, a quotation had to “demonstrate that the [vendor] can perform the specific tasks and meet the specified deliverables” in the statement of work. RFQ at 2. Vendors were advised that the evaluation would be conducted without holding discussions. RFQ at 8.

Four vendors submitted quotations by the October 20 response date established in the RFQ. The evaluator assigned a rating of acceptable or unacceptable to each quotation for each of the eight tasks identified in the statement of work, and an overall rating of acceptable or unacceptable to each quotation. Agency Report (AR), Tab 3, Statement of Evaluator, ¶ 5; AR, Tab 6, Technical Evaluation. To receive an overall rating of acceptable, an offeror had to receive a rating of acceptable on each of the eight tasks. AR, Tab 3, Statement of Evaluator, ¶ 6; RFQ at 2.

Granicus’ quotation was found to be technically acceptable for all tasks and received an overall rating of acceptable. AR, Tab 6, Technical Evaluation, at 2.

Brown’s quotation received a rating of technically unacceptable for two of the eight tasks and received an overall rating of unacceptable. AR, Tab 6, Technical Evaluation, at 1. Brown’s quotation was found unacceptable for the task that required a link to the NIST/ITL/CSD website and a webcast page with the same look and feel as the current ISPAB page. Id. As the evaluator noted, Brown’s quotation required visitors to login with personal information, and this login requirement was different from the ISPAB webpage (which did not have a login requirement) and violated NIST’s privacy policy (which was provided at the link to the NIST/ITL/CSD) against the mandatory disclosure of personal identification information. Id.; AR, Tab 3, Statement of Evaluator, ¶¶ 9, 11-12, 14.

Brown’s quotation also was found unacceptable under the task requiring that viewers be allowed to send, post, and tag questions to posted agenda items. AR, Tab 6, Technical Evaluation, at 1. As the evaluator noted, Brown’s quotation stated that the firm would provide an e-mail link and instructions for submitting questions “if requested,” which created confusion about whether Brown intended to meet the task requirement without further direction from the NIST. Id.; AR, Tab 3, Statement of Evaluator, ¶ 18. The evaluator also noted that Brown’s quotation did not demonstrate the capability to tag agenda items. AR, Tab 6, Technical Evaluation, at 2.

On October 29, the agency notified Brown that Granicus had been selected for issuance of the purchase order, and it provided Brown with a debriefing. Brown

filed a protest with our Office on November 1, challenging the evaluation of its quotation as technically unacceptable.

DISCUSSION

Brown protests the agency's determination that its quotation was technically unacceptable. It argues that its quotation meets the requirements of the statement of work, and contends that any questions the agency had about the quotation could have been resolved through discussions.

Our Office reviews challenges to an agency's technical evaluation to determine whether the agency acted reasonably and in accord with the solicitation's evaluation criteria and applicable procurement statutes and regulations. System Eng'g Int'l, Inc., B-402754, July 20, 2010, 2010 CPD ¶ 167 at 4. A vendor's mere disagreement with the agency's evaluation is not sufficient to demonstrate that the evaluation is unreasonable. Trinity Tech. Group, Inc., B-403210, Sept. 23, 2010, 2010 CPD ¶ 235 at 2. Furthermore, it is a vendor's burden to submit an adequately written quotation and it runs the risk that its quotation will be evaluated unfavorably where it fails to do so. System Eng'g Int'l, Inc., *supra*.

On the record before us, we find no basis to object to the agency's evaluation. As noted above, the RFQ required that the selected vendor provide "full turn key" webcasting that meets the requirements of eight specific tasks, including providing a link to the NIST/ITL/CSD web cite and providing a webcast page with the same look and feel as the current ISPAB page with the capability to allow viewers to send, post, and tag questions to posted agenda items. RFQ at 3. The record shows that Brown's quotation did not meet these requirements because its login requirement violated the NIST privacy policy, its webcast page did not have the same look and feel as the ISPAB page, and the quotation did not demonstrate with certainty that Brown would meet the requirement to send, post, and tag questions without further action from the agency. AR, Tab 6, Technical Evaluation, at 1-2; AR Tab 3, Statement of Evaluator, ¶¶ 9, 11-12, 14, 17-18.

Brown disagrees with these conclusions. It contends that its login feature can be turned off, and that the quotation's commitment to "create the portal page for design consistency and functional compatibility with the NIST home page" satisfies the requirement to provide the same look and feel as the ISPAB page.¹ Comments at 2,

¹ Brown also contends that it submitted similar quotations in response to similar RFQs, and its quotations were previously found acceptable. Comments at 3. It further asserts that "numerous [other] NIST events . . . require on-line registration and collection of such information" as the agency asserts violates the NIST privacy policy here. *Id.* However, other evaluations and other events are not relevant and do not demonstrate that the agency's evaluation here was unreasonable.

4. Brown also denies that there is any ambiguity in its quotation that should have led to a rating of technical unacceptability. Id. at 4. It contends that, if the agency had any questions, it should have raised them during discussions. Id. at 3, 5.

However, as noted above, the RFQ advised vendors that discussions would not be conducted. RFQ at 8. Because the agency had no obligation to engage Brown in discussions about its quotation, it was imperative that Brown provide a clear and adequately written quotation. Brown's quotation did not make clear that the login feature was an option that could be turned off, or that it was firmly committing to meet the requirements without further direction from the agency. Although Brown continues to disagree with the agency's evaluation conclusions, it has not shown them to be unreasonable.

Based on the reasonable determination that Brown's quotation was technically unacceptable, we find unobjectionable the agency's issuance of the purchase order to a vendor with a higher-priced, technically-acceptable quotation.

The protest is denied.

Lynn H. Gibson
General Counsel