



Decision

Matter of: JRS Management

File: B-405355

Date: September 28, 2011

Jacqueline Sims, JRS Management, for the protester.
William D. Robinson, Esq., and Bradley J. Breslin, Esq., Department of Justice,
Federal Bureau of Prisons, for the agency.
Linda C. Glass, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest raising same issue that was resolved in a recent decision on a protest by the same protester involving the same agency is dismissed as no useful purpose will be served by further consideration of the matter.

DECISION

JRS Management, of Lawrenceville, Georgia, protests the rejection of its quotation under request for quotations (RFQ) No. P0216110026, issued by the Department of Justice, Federal Bureau of Prisons (BOP) for the provision of pharmacy technician services to the inmate population at the Federal Correctional Institution located in Elkton, Ohio.

We dismiss the protest.

The RFQ, issued as a total small business set-aside, provided that award would be made “to contractor whose quote, conforming to the solicitation, represents the lowest price to the Government, in accordance with FAR [Federal Acquisition Regulation] 52.212-1(g).”¹ RFQ attach. 1, at 1. The RFQ listed several minimum requirements for a pharmacy technician required by the state of Ohio. RFQ amend. 2, at 3. To conform to the solicitation, the RFQ required as follows:

¹ FAR § 52.212-1(g) provides that the government intends to make award without discussions.

Contractors must provide copies of all documents evidencing compliance with the criteria referenced under “MINIMUM REQUIREMENTS”, to include copies of all diplomas, certificates, licenses, etc. In addition, the Contractor must provide evidence of insurability, in accordance with FAR Clause 52.237-7.

RFQ, amend. 2, at 4 (bolded in original). The RFQ further required that information specific to individuals who may provide services must be submitted to demonstrate prior experience working: with electronic medical record system; with computers in past jobs; and as a pharmacy technician in a correctional environment. Id.

JRS submitted an initial quotation and subsequently submitted a revised quotation replacing the initial quotation. The protester’s quotation was rejected by the agency for the protester’s failure to provide the required information evidencing compliance with the minimum requirements. Agency Report (AR) at 3-4.

JRS contends that the agency should not have rejected its quotation on this basis because qualification requirements were not a stated evaluation criteria; rather, the only stated evaluation criteria was price. Amended Protest at 5. The protester maintains that it did not take exception to the qualification requirements and that the qualification requirements are a matter of responsibility and not evaluation criteria. Id. at 6.

By decision dated April 25, 2011 (recon. denied July 18, 2011), we dismissed a protest filed by JRS against another BOP procurement for medical services with similar documentation requirements. We rejected the protester’s argument that the qualification requirements concerned a matter of responsibility. We noted that the RFQ was clear that qualification requirements had to be included with the quotation, and that a quotation could be eliminated from consideration for award if they were not included. We found that the agency properly rejected the protester’s quotation because the protester failed to include required information, not because the protester was not capable to perform.

Since the issues raised and the arguments made by JRS are essentially the same as in the earlier protest which was resolved by decision of April 25, we see no useful purpose to be served by our further consideration of this protest. RMS Indus., B-247465; B-247467, June 10, 1992, 92-1 CPD ¶ 506, aff’d, B-247465.2; B-247467.2, July 22, 1992, 92-2 CPD ¶ 39.

The protest is dismissed.

Lynn H. Gibson
General Counsel