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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Veterans Healthcare Supply Solutions, Inc.

File: B-410763.6

Date: January 22, 2015

Gary M. Skura, Veterans Healthcare Supply Solutions, Inc., for the protester.
Erin V. Podolny, Esq., Department of Health and Human Services, National Institutes of Health, for the agency.
Scott H. Riback, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's evaluation of proposals is denied where record shows that agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations.

DECISION

Veterans Healthcare Supply Solutions, Inc. (VHSS), of Jacksonville, Florida, protests the rejection of its proposal under request for proposals No. NIHJT2014002, issued by the The Department of Health and Human Services, National Institutes of Health to acquire information technology (IT) commodities and solutions. VHSS maintains that the agency unreasonably rejected its proposal.

We deny the protest.

The RFP contemplates the award of multiple government-wide, indefinite-delivery, indefinite-quantity contracts to provide an array of IT commodities and solutions for a 10-year period. In general, the RFP contemplates award on a best-value basis, considering price and several non-price factors, with the non-price factors deemed significantly more important than price. RFP § M.1.3.

The RFP provided for a two-step evaluation process. Under step 1, proposals were to be evaluated on a "go/no-go" basis. RFP § M.1.1. Among other things, offerors

that were proposing as value added resellers (VARs)¹ were required to provide evidence from the manufacturers of the products being proposed showing that the offeror is, in fact, an authorized reseller of the products being offered. Id. The RFP specifically advised offerors that a proposal would be rejected without further consideration if the evidence of a firm's status as an authorized reseller of the products being offered was not provided. Id.

The record shows that VHSS's proposal was rejected because the firm was proposing as a VAR but did not include evidence from the manufacturers of the products being offered that VHSS was, in fact, an authorized reseller of their respective products.² VHSS does not contend that its proposal included the required information, but instead maintains that the RFP's instructions were vague concerning the requirement for submitting the information at issue. VHSS argues that the agency could have asked for the information when it became apparent that it was not included in the proposal.

We find no merit to VHSS's protest. In reviewing protests challenging an agency's evaluation of proposals, our Office does not independently evaluate proposals; rather, we review the agency's evaluation to ensure that it is reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. SOS Int'l, Ltd., B-402558.3, B-402558.9, June 3, 2010, 2010 CPD ¶ 131 at 2. The agency's evaluation here was unobjectionable.

The RFP specifically provided as follows:

If the proposal does not demonstrate that it meets the [RFP's] minimum requirements [relating to compliance with various energy efficiency standards] . . . and for VARs, evidence from the respective manufacturers that they are Authorized Resellers of the products proposed, the proposal will be determined unacceptable and ineligible for further consideration for award.

RFP § M.1.1. Elsewhere, the RFP's instructions were equally clear:

¹ Firms could offer either as VARs or as original equipment manufacturers.

² VHSS's proposal also was rejected because it failed to demonstrate that the firm had been in business for three years with revenues of at least \$5 million annually. RFP § M.1.1. Since we conclude that the agency properly rejected the firm's proposal for failing to include evidence to demonstrate that it is an authorized reseller of the products it proposed, we need not consider this additional reason for the rejection of VHSS's proposal.

Offerors proposing as VARs are required to be Authorized Resellers for all products the offeror proposes to resell under the contract. To this end, offerors proposing as VARs must provide evidence from the respective manufacturer substantiating that they are Authorized Resellers for all products proposed

RFP § L.4.3(a) (emphasis supplied).

There is no basis for our Office to conclude that the agency's actions were improper here. Contrary to VHSS's protest, there was nothing vague about the RFP's instructions or evaluation criteria. On the contrary, they explicitly require VARs to submit evidence from their respective manufacturers showing that they are authorized resellers of the products being proposed, and provide for the rejection of a proposal without further consideration in the absence of the required information. As a result, we have no basis to question the reasonableness of the agency's rejection of the protester's proposal.

The protest is denied.

Susan A. Poling
General Counsel