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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Nittany Business Movers, Inc.

File: B-411856

Date: October 27, 2015

Michael Gladys, for the protester.

George C. Brown, Esq., and Richard Ufford, Esq., United States Securities and Exchange Commission, for the agency.

Young S. Lee, Esq., Noah B. Bleicher, Esq., and Nora K. Adkins, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the agency unreasonably evaluated the protester's quotation as unacceptable is denied where the quotation failed to comply with the solicitation's requirements.

DECISION

Nittany Business Movers, Inc., a small business of Lorton, Virginia, protests the establishment of a blanket purchase agreement (BPA) with Proven Management, Inc., a small business of Greenbelt, Maryland, by the Securities and Exchange Commission (SEC), under request for quotations (RFQ) No. SECHQ1-15-Q-0044 for office relocation and warehouse management related services. Nittany argues that the agency's evaluation of its quotation was unreasonable.

We deny the protest

BACKGROUND

On April 30, 2015, and pursuant to the procedures set forth in Federal Acquisition Regulation (FAR) subpart 8.4, the SEC issued the RFQ as a small business set-aside. RFQ at 1; Contracting Officer (CO) Statement at 1. The solicitation was issued to ten vendors holding contracts under General Services Administration (GSA) Federal Supply Schedule (FSS) 48, Special Item Number (SIN) 653-8, Office Relocation. Id. The RFQ sought quotations for a full range of office relocation and warehouse management services in support of the SEC's headquarters location. Performance Work Statement (PWS) at 3. The solicitation contemplated the

establishment of a single BPA with a 1-year base period and four 1-year options. RFQ at 1, 10.

The RFQ provided that the BPA would be established on a best-value basis with the vendor that submitted the quotation determined to be the most advantageous to the government, price and non-price factors considered. Id. at 10. The solicitation identified the following four evaluation factors: operational management solution, technical service requirements, past performance, and price. Id. The non-price factors were listed in descending order of importance, and when combined were more important than price. Id.

The SEC received eight quotations in response to the RFQ, including the quotation submitted by Nittany. CO Statement at 2. The Technical Evaluation Board (TEB) evaluated Nittany's quotation and found it unacceptable under both the operational management solution and technical service requirements factors due to Nittany's failure to provide information required by the RFQ. Agency Report (AR), Tab 5, SEC TEB Consensus, at 11. The quotation also received a limited confidence rating for the past performance factor because the TEB was unable to assess the "accuracy, completeness and validity" of the past performance information Nittany submitted. Id. at 11-12. On July 22, the SEC notified Nittany that it was not selected for the BPA. AR, Tab 7, Non-Selection Letter, at 1. Nittany filed the instant protest with our Office on August 3.

DISCUSSION

Nittany challenges the agency's evaluation of its quotation. The protester asserts that the SEC unreasonably rated Nittany's quotation as unacceptable for the operational management solution and technical service requirements factors.¹ In response, the agency explains that it reasonably evaluated Nittany's quotation as unacceptable because the protester failed to provide information which was required by the RFQ and necessary for the agency to conduct its evaluation.

Where, as here, an agency issues an RFQ to FSS vendors under FAR subpart 8.4 and conducts a competition, we will review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation. Digital

¹ The protester also appears to allege that the SEC should have established the BPA with Nittany because its quotation offered a lower price than the one offered in Proven Management's quotation. This assertion does not provide a valid basis of protest. Where, as here, the solicitation provided that a BPA would be established on a best-value basis, based on a consideration of technical factors as well as price, a protester's assertion that an agency is obligated to establish a BPA based solely on its low price fails to state a valid basis for protest. 4 CFR § 21.5(f); See e.g. Univ. of Dayton Research Inst., B-245431, Jan. 2, 1992, 92-1 CPD ¶ 6 at 6-7.

Solutions, Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4; DEI Consulting, B-401258, July 13, 2009, 2009 CPD ¶ 151 at 2. A protester's mere disagreement with the agency's evaluation is not sufficient to sustain the protest. DEI Consulting, supra.

The RFQ contained specific requirements with regard to each of the non-price evaluation factors for vendors to address in their quotations. RFQ at 2-5. As relevant here, with regard to the operational management solution factor, the RFQ required vendors to respond to a hypothetical scenario by describing how they would track, confirm, and resolve a truck delivery order that had been delayed by an unforeseen event. Id. at 3. With regard to the technical service requirements evaluation factor, the RFQ required vendors to discuss the metrics they would use to continuously monitor and evaluate five separate performance standard measures identified in the solicitation.² Id. at 4.

The TEB assigned Nittany an unacceptable rating under the operational management solution evaluation factor because the protester failed to address the hypothetical scenario. AR, Tab 5, SEC TEB Consensus, at 11. The TEB assigned an unacceptable rating to Nittany under the technical service requirements evaluation factor because of the "[v]ery limited information provided [in Nittany's quotation] which prevent[ed] the SEC from evaluating the contractor's ability to successfully perform the required technical services." Id.

Here, we find the agency's evaluation of the protester's quotation to be reasonable. A review of Nittany's quotation confirms that it failed to address the hypothetical scenario that the solicitation required vendors to address. See AR, Tab 3, Nittany Quotation, at 1-28. The record also confirms that the protester's quotation failed to discuss the metrics it would use to monitor and evaluate the five performance standard measures required by the RFQ. Id. Nittany's arguments provide nothing more than disagreement with the agency's judgments and fail to establish a basis upon which to sustain the protest.

The protest is denied.

Susan A. Poling
General Counsel

² The five performance standard measures were identified as: on-site communications; officer relocation services; warehouse management services; transportation services; and conference, training room, and other set-ups. RFQ at 4.