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The decision issued on the date below was subject to a GAO Protective Order. The entire decision has now been approved for public release.

Decision

Matter of: RGS Associates, Inc.

File: B-413155.5

Date: August 30, 2016

Karen R. Harbaugh, Esq., Robert E. Gregg, Esq., and John R. Sharp, Esq., Squire Patton Boggs-US, LLP, for the protester.
Kristen M. Nowadly, Esq., and Chistopher Murphy, Esq., General Services Administration, for the agency.
Glenn G. Wolcott, Esq., Gabriel D. Soll, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation required offerors to provide evidence “within a verifiable contractual document” of prior experience performed within the past five years, the agency reasonably determined that protester’s proposal failed to meet the solicitation’s experience requirements given the protester’s submission of an unsigned award document covering a base performance period that ended in early 2008.

DECISION

RGS Associates, Inc. of Arlington, Virginia, protests its elimination from consideration under request for proposals (RFP) No. GS02Q15CRR0001 (frequently referred to as the Human Capital and Training Solutions (HCaTS) solicitation) issued by the General Services Administration (GSA) to provide training and development services across the federal government. RGS asserts that the elimination of its proposal was unreasonable and inconsistent with the terms of the solicitation.

We deny the protest.

BACKGROUND

On August 17, 2015, the agency published the solicitation at issue, seeking proposals for “customized training and development services, customized human capital strategy services, and customized organizational performance improvement services.” RFP at 21. The solicitation contemplated multiple awards of

indefinite-delivery, indefinite-quantity (IDIQ) contracts under which task orders will subsequently be issued. The solicitation covered eight North American Industry Classification System (NAICS) codes, and was divided into two separate “Pools” based on different small business size standards.¹ RFP at 98-99. Offerors were permitted to compete in either of the pools, and the agency established a target of 40 awards for each pool. Id. at 98, 152.

The solicitation provided for award on a best-value basis² and established various minimum requirements, including specific requirements for past experience. In this regard, the solicitation stated:

For an Offeror to be eligible for consideration under a given Pool, the Offeror shall have performed six Relevant Experience Projects [REP], with four of those Relevant Experience Projects under a NAICS Code that corresponds directly to a NAICS Code in the Pool being applied for. . . . Each Relevant Experience Project shall meet the minimum requirements as prescribed in Section L.5.2.2.[³]

Id. at 127.

The solicitation further provided that an offeror’s experience must be substantiated by “evidence within a verifiable contractual document,” adding that an offeror “shall only receive credit . . . if the Government can validate the information,” and listed “signed, certified and/or legally recognized documents” as examples of such “verifiable contractual documents.” Id. at 131-32. The solicitation also precluded an offeror’s reliance on certain past performance reports to meet the experience requirements, stating “CPARS [contractor performance assessment reporting system) [and] PPIRS [past performance information retrieval system] . . . reports . . . shall not be used to substantiate scope, period of performance, and total estimated/obligated dollar value.” Id. at 131. Finally, the solicitation advised that an offeror “will not be allowed to resubmit or revise any document(s) related to the Relevant Experience Projects,” and warned that failure to meet the experience requirements “may result in the proposal being rejected.” Id. at 128, 152.

¹ The size standard was \$11 million for Pool 1 and \$15 million for Pool 2. RFP at 98-99.

² The solicitation stated that awards would be made based on the proposals that were “Highest Technically Rated with Fair and Reasonable Prices (HTRFRP).” RFP at 151.

³ Among other things, RFP section L.5.2.2 established certain requirements regarding scope, size, and period of performance. Id. at 131-34.

On or before the December 3, 2015 closing date, the agency received 115 proposals, including a proposal submitted by RGS. Contracting Officer's Statement at 2. RGS acknowledges that the support it submitted for some of the required experience (REP 2) was an unsigned document, stating: "The signatures in the acceptance block for this order are unexecuted." Protest, exh. G, Declaration of RGS Executive Vice President, at 1.

On May 13, 2016, the agency notified RGS that its proposal had been eliminated from consideration for failing to meet the experience requirements. Specifically, the agency stated: "The award documents submitted for Relevant Experience Project (REP) 2 are not signed by both parties and the period of performance cannot be verified beyond the base year (3/31/2008)." Protest, exh. E, Notification of Unsuccessful Proposal, at 1. This protest followed.

DISCUSSION

RGS protests that a signed contract award document "is not a requirement under the terms of the Solicitation," and also notes that "RGS submitted PPIRS/CPARS data" to substantiate its required experience. Protest at 10. Accordingly, RGS maintains that elimination of its proposal was "unreasonable, unsupported by the record and not in accordance with the stated evaluation criteria." Id. We disagree.

In reviewing protests challenging an agency's evaluation, our Office does not reevaluate proposals; rather, we review the record to determine whether the evaluation was reasonable, consistent with the terms of the solicitation, and compliant with procurement statutes and regulations. See, e.g., Alutiiq Tech. Servs. LLC, B-411464, B-411464.2, Aug. 4, 2015, 2015 CPD ¶ 268 at 4; Silverback7, Inc., B-408053.2, B-408053.3, Aug. 26, 2013, 2013 CPD ¶ 216 at 3. An offeror's disagreement with an agency's evaluation, without more, does not establish that the evaluation was unreasonable. Id. Offerors are responsible for submitting well-written proposals with adequately detailed information that allows for meaningful review by the procuring agency. See Hallmark Capital Grp., LLC, B-408661.3 et al., Mar. 31, 2014, 2014 CPD ¶ 115 at 9.

Here, as noted above, RGS does not dispute that its proposal relied on an unsigned document to substantiate its required experience. In supporting its determination that an unsigned document was insufficient to substantiate the required experience in this procurement, the agency has argued that such document is "nothing more than a draft document with no legally binding effect on either party." See Sevatec, Inc., B-413155.11, Aug. 24, 2016, 2016 CPD ¶ ____ at 3 (www.gao.gov/assets/680/679310.pdf). The agency further notes that, even if it considered RGS's unsigned award document as a "verifiable contractual document," that document "showed the period of performance as 12/1/2007 to 9/30/2008"--which "did not demonstrate a period of performance within five years of the solicitation closing as required by the RFP." Contracting Officer's Statement

at 2-3. Finally, the agency points out that reliance on CPARS and PPIRS data “was specifically forbidden by the RFP to substantiate period of performance.” Id. As noted above, the solicitation specifically provided that an offeror’s claimed experience must be substantiated by “evidence within a verifiable contractual document,” adding that an offeror “shall only receive credit . . . if the Government can validate the information,” and listed “signed, certified and/or legally recognized documents” as examples of such “verifiable contractual documents.” Id. at 131-32. The solicitation further provided that revision or resubmission of documents would not be permitted, and warned that failure to meet the experience requirements “may result in the proposal being rejected.” Id. at 128, 131-32, 152. Finally, the solicitation provided that offerors could not rely on CPARS or PPIRS reports to substantiate their required experience. On this record, we find no basis to question the reasonableness of the agency’s determination that RGS’s proposal failed to meet the solicitation’s experience requirements.⁴

The protest is denied.

Susan A. Poling
General Counsel

⁴ In pursuing this protest, RGS has made various arguments that are in addition to, or variations of, those discussed above. We have considered all of RGS’s arguments and find no basis to sustain its protest.