



United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** JRS Staffing Services  
**File:** B-409360; B-409360.2; B-409360.3  
**Date:** March 27, 2014

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Jacqueline R. Sims, for the protester.  
Maj. G. A. Hanweck, United States Marine Corps, for the agency.  
Paul N. Wengert, Esq., and Tania Calhoun, Esq., Office of the General Counsel,  
GAO, participated in the preparation of the decision.

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### DIGEST

Protest is denied where record shows that, under simplified acquisition procedures, the agency reasonably evaluated quotations and made a reasonable source selection decision.

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### DECISION

Jacqueline R. Sims, doing business as JRS Staffing Services, of Lawrenceville, Georgia, a small business, protests the award of a contract to Teresa Arnold, of Hubert, North Carolina, under request for quotations (RFQ) No. M67001-14-T-1005, issued by the United States Marine Corps for a Protestant director of religious education services at Camp Lejeune, North Carolina. JRS argues that the agency miscalculated its quotation and made an unreasonable source selection decision.

We deny the protest.

### BACKGROUND

The RFQ was issued on November 19, 2013, as a combined synopsis/solicitation under Federal Acquisition Regulation (FAR) Part 12.6. The RFQ, set aside for small business, sought the commercial services of a Protestant director of religious education to support the Protestant religious education program. RFQ at 1; RFQ amend. 1, at 5. The selected individual will provide services approximately 28 hours per week on a flexible schedule, with seasonal variations, for a 1-year base period and one option year. RFQ at 1, 4; RFQ amend. 2, at 3-4.

Award was to be made to the firm whose quotation provided the best value, considering four evaluation factors: technical capability; ability to meet start date; completion of representations and certifications; and price. Agency Report (AR), Tab E, Synopsis of Amendment 1, at 2.<sup>1</sup> For the technical capability factor, quotations were to include a resume that met the following qualifications:

- Possess an Associate's Degree or higher; or have more than 10 years experience as a Protestant religious educator.
- Ability to supervise, train, and mentor volunteers.
- Have experience working with children and young adults.
- Experience working with or attending a military chapel in the community is favorable.
- Ability to work in a pluralistic environment. This includes respect for denominational/faith group differences, and tolerance for diversity in a military setting.

RFQ amend. 2 at 5.

The Marine Corps received quotations from five vendors; only those of Arnold and JRS are at issue. The incumbent, Arnold, submitted her quotation by hand delivery to the contracting officer on November 22, and subsequently submitted both an additional page stating that she had read the amendments, and a completed copy of the certification at Defense FAR Supplement (DFARS) § 252.209-7994. AR, Tab U, Arnold Amendment Statement, at 2. JRS and the other vendors submitted their quotations by e-mail on or before the December 6 due date.<sup>2</sup>

JRS's quotation stated that it intended to offer employment to the incumbent, but that if its offer were not accepted, the firm had a candidate prepared to provide the services on the start date. The quotation included the candidate's resume, along

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<sup>1</sup> The procurement here was conducted using simplified acquisition procedures under FAR Part 12.6. Under these procedures, the RFQ need not state the relative importance of the evaluation factors, FAR § 12.602, and the solicitation did not do so here. The evaluation forms used by the agency, however, established that all non-price factors, when combined, were more important than price.

<sup>2</sup> RFQ amendment 1 directed vendors to submit their quotations, resumes, and any questions to the contracting officer's e-mail address. We need not determine whether, as JRS argues, the RFQ prohibited hand delivery because JRS has not shown competitive prejudice. See Labatt Food Serv., Inc., B-310939.6, Aug. 18, 2008, 2008 CPD ¶ 162 at 3. In this regard, JRS has not shown it could have benefited by the opportunity to deliver its quotation by hand.

with the firm's representations and certifications.<sup>3</sup> AR, Tab J, JRS Quotation, at 1-4, 10-16.

The resume submitted by JRS listed its candidate's bachelor's degree in religion and master's degree in psychology. The resume listed his experience as a therapist (8 months); senior pastor (5 years); counselor at an addiction recovery center (2 years); adolescent substance abuse therapist/coordinator (1 year); in-home counselor (3 months); behavioral specialist (11 months); and service in the Navy (5 years). Id. at 13-16. Each position included a description of its duties. For example, the candidate's experience as a senior pastor identified experience at a congregation with a multitude of denominations. The resume also stated that the candidate had "[a]ttended military chapels, and demonstrated ability to be fully tolerant of the diverse people and religions that are commonplace in military settings." Id. at 13, 16.

Arnold's quotation included a resume listing her experience for 4 years as the incumbent contractor as director of religious education, listed her education, and presented four letters of recommendation. AR, Tab H, Arnold Quotation, at 18-25.

The Marine Corps's evaluator completed an evaluation form for each quotation. E.g., AR Tab I, Evaluation Form for Awardee, at 1-4. The form provided space for the evaluator to indicate whether the quotation demonstrated satisfactory qualifications, to select an adjectival rating (excellent, very good, good, marginal, or unsatisfactory), and to write narrative comments. For the completion of representations and certifications factor, the form indicated that the evaluation had been "Done by Purchasing Agent Prior to Technical evaluation." E.g., id., at 3.

The evaluation of Arnold's quotation indicates that she met all requirements, and includes narrative comments of several good points. Her quotation was rated excellent under each factor, and excellent overall. Id.

The evaluation of JRS's quotation found that its candidate did not meet two of the five requirements under the technical capability factor (experience working with or

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<sup>3</sup> The agency based its evaluation on JRS's own candidate because it was not clear from the quotation whether JRS could retain the incumbent. JRS argues that the agency failed to consider JRS's statement that it intended to offer the incumbent a right of first refusal. However, absent any evidence that JRS could successfully retain the incumbent, we find it reasonable to evaluate the resume that actually accompanied its quotation. See Ebon Research Sys., B-261403.2, Sept. 28, 1995, 95-2 CPD ¶ 152 at 5 (agency reasonably evaluated resumes submitted with offer, rather than abilities of incumbent personnel, even though offeror stated its intention to hire incumbent personnel); see also Constr. Tech. Labs., Inc., B-281836, Apr. 12, 1999, 99-1 CPD ¶ 71 at 5 (describing Ebon Research as the "more common approach," unless solicitation provides otherwise).

attending a military chapel in the community, and ability to work in a pluralistic environment including respects for denominational/faith group differences and tolerance for diversity in a military setting) but nonetheless rated the quotation good under this factor. The narrative comments noted as good points that JRS's candidate had an exceptional educational background, and had been a counselor to adolescents, and then listed as bad points that the quotation did not clearly show the candidate's participation in military chapels, did not clearly show his experience working in a pluralist environment among diverse faith groups, and that most of his experience was as a counselor. AR, Tab K, Evaluation Form for JRS, at 2.

JRS's quotation was rated good under each factor and overall, accompanied by the following summary:

Candidate is qualified educationally in regard to level; however, his education and experience is in the field of counseling, [versus] religious education.

No evidence of working in a military chapel, or exposure to military since his active duty service from 1985 – 1990.

Resume does not list what position candidate is currently in. Nothing listed since 2009.

Id. at 4.

The contracting officer prepared a source selection decision memorandum in which she compared the quotations from Arnold, priced at \$52,780, and JRS, priced at \$48,100. She observed that Arnold met all requirements and was rated excellent. She next stated that, although JRS's candidate was qualified educationally, and experienced as a counselor to adolescents, it was not clear whether he had "experience working with military chapels," and his resume did not show experience working in a pluralistic environment. She also noted that his experience was "mostly as a counselor and not a religious educator." AR, Tab L, Source Selection Decision, at 1. She concluded that awarding a contract to Arnold provided the best value because the price difference was "worth the assurance . . . [of] receiv[ing] the best qualified candidate to perform the services." Id. at 2. This protest followed.

## DISCUSSION

JRS raises a number of challenges to the agency's evaluation of its quotation and the source selection decision. Our review of the record shows that, in evaluating the protester's quotation, the agency reasonably applied the RFQ's stated evaluation criteria, and made a reasonable source selection decision.

## Technical Capability Factor

Although JRS's quotation was rated good under the technical capability factor, the firm argues that a reasonable evaluation should have rated the quotation as excellent.<sup>4</sup> The Marine Corps argues that its evaluation was reasonable and entitled to deference, and that any errors in the evaluation were not prejudicial.

When using simplified acquisition procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition and must evaluate quotations in accordance with the terms of the solicitation. Emergency Vehicle Installations Corp., B-408682, Nov. 27, 2013, 2013 CPD ¶ 273 at 4. In reviewing a protest of an allegedly improper simplified acquisition evaluation, we examine the record to determine whether the agency met this standard and exercised its discretion reasonably. Id. A vendor is responsible for affirmatively demonstrating the merits of its quotation. Id. As explained below, the record supports the agency's conclusions that JRS did not demonstrate that its candidate's experience merited a higher rating than good under the technical capability qualifications, particularly in contrast to the incumbent's demonstrated qualifications in performing these services.

The record reflects that both Arnold and the JRS candidate exceeded the education requirement. While neither had 10 years experience in religious education, the agency reasonably concluded that Arnold's experience over the four preceding years providing the required services as a religious educator merited an evaluation as excellent, while the experience of JRS's candidate in religious education was only one aspect of his role as a senior pastor. Compare AR, Tab J, JRS Quotation, at 13-14, with AR, Tab H, Arnold Quotation, at 18-19. In our view, the evaluation drew a reasonable distinction between Arnold's direct experience in providing these services, and that of JRS's candidate. AR, Tab K, Evaluation Form for JRS, at 2.

JRS next challenges the evaluation under the qualification regarding working with or attending a military chapel. Again, the resume of JRS's candidate stated that he "[a]ttended military chapels, and demonstrated ability to be fully tolerant of the diverse people and religions that are commonplace in military settings," but provided no other context or detail. The Marine Corps concluded that the candidate's familiarity with military chapels was thus not clear. AR, Tab K, Evaluation of JRS Quotation, at 2; AR, Tab L, Source Selection Decision, at 1. As noted above, JRS was responsible for affirmatively demonstrating the merits of its

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<sup>4</sup> To the extent that JRS argues that the agency was required to evaluate technical capability beyond the five qualifications quoted above, this aspect of its protest lacks a valid basis. JRS has not demonstrated that the RFQ required the Marine Corps to evaluate anything beyond those qualifications in assessing technical capability.

quotation, and in regard to this qualification, showing the level of familiarity that its candidate had with the circumstances in which he would be providing services. Emergency Vehicle Installations Corp., *supra*, at 4. In our view, it was reasonable for the agency to conclude that the ambiguous statement in JRS's quotation merited only limited consideration under this qualification, while the experience of Arnold providing the services to military chapels at Camp Lejeune supported the higher rating for her quotation.

JRS next argues that its quotation was misevaluated under the ability to work in a pluralistic environment qualification. The resume of JRS's candidate stated that he was "fully tolerant," and identified his employment as a senior pastor as evidence of working in a congregation with diverse backgrounds. Nevertheless, the resume again lacked substantiation or explanation. The Marine Corps concluded that JRS's quotation did not clearly show the candidate's ability to work in the diverse/pluralistic environment, thus supporting a rating of good for the technical capability factor. AR, Tab K, Evaluation of JRS Quotation, at 2, 4; AR, Tab L, Source Selection Decision, at 1. Here again, in our view, the evaluation reasonably distinguished between Arnold's experience as the incumbent, and the resume of JRS's candidate, which made broad assertions that the candidate had experience working with diverse faith groups, but lacked examples or explanatory details to substantiate the claims, or an indication that such work was in a military setting as contemplated by the evaluation criteria. See AR, Tab J, JRS Quotation, at 13-14. Taken together, the record supports the reasonableness of the evaluation of JRS's quotation in these regards.

#### Representations and Certifications Factor

JRS argues that the Marine Corps improperly failed to evaluate quotations under the completion of representations and certifications factor. The Marine Corps responds that the record documents evaluation of the factor by the presence of the statement "Done by Purchasing Agent Prior to Technical evaluation" on each evaluation form.

JRS contended that Arnold's quotation did not acknowledge amendment 2, which inserted the provision at DFARS § 252.209-7994, or show that Arnold completed that certification. In response to this contention, the agency supplemented the record to supply the missing portion of the quotation, which included the certification. To the extent that JRS argues that this factor should have been evaluated adjectivally, rather than as a pass/fail assessment, we disagree. The factor stated that the Marine Corps would evaluate whether each quotation provided completed representations and certifications for specific RFQ provisions. We see no reasonable basis on which JRS should have expected that completion of such standard representations and certifications would provide a meaningful advantage for award purposes, or otherwise to distinguish among offerors.

Rather (as JRS appears to acknowledge), the completion of representations and certifications is ordinarily a matter of responsibility, and does not factor into a best

value determination. See Veterans Constr. of S.C., LLC, B-401723.2, Jan. 21, 2010, 2010 CPD ¶ 36 at 2 (bid was responsive despite absence of valid representations). The Marine Corps concluded that both firms completed the representations and certifications, but did not improve JRS's overall evaluation on that basis. We see no basis to conclude that this factor should have been considered in the source selection decision (or that it would have made a difference if it had been).

#### Source Selection Decision

The record shows that the source selection decision is reasonable.<sup>5</sup> As described above, each of the source selection decision's findings concerning the JRS quotation is reasonable and consistent with the RFQ's stated evaluation criteria in the context of this simplified acquisition. The record supports the contracting officer's conclusion that Arnold's superiority under the evaluation criteria provided an sufficient basis to incur the higher price of offering her the contract.

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>5</sup> While JRS challenges as speculative the evaluator's expression of doubt that the firm's candidate could meet the start date, we see no merit to the challenge. The evaluator ultimately concluded that JRS's candidate would meet the start date, and the contracting officer's source selection decision expressed no reservations in this regard. AR, Tab L, Source Selection Decision, at 1.