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Decision

Matter of: Grant Thornton, LLC

File: B-413155.4

Date: August 30, 2016

Alexander J. Brittin, Esq., Brittin Law Group, PLLC, for the protester.
Kristen M. Nowady, Esq., and Christopher Murphy, Esq., General Services Administration, for the agency.
Glenn G. Wolcott, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation required offerors to submit a particular document, warning that failure to submit that document as directed could result in exclusion from further consideration, the agency reasonably eliminated protester's proposal from consideration where protester failed to submit the required document.

DECISION

Grant Thornton, LLC, of Alexandria, 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.¹ Grant Thornton asserts that the elimination of its proposal was improper.

We deny the protest.

¹ In April 2014, GSA and the Office of Personnel Management entered into a Memorandum of Understanding (MOU) to improve how federal agencies obtain human resource training and development and human capital management services. RFP at 13. This procurement flows from that MOU.

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.² 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 basis,³ established various minimum requirements, and identified certain documents that must be submitted. Among other things, the solicitation provided that offerors must submit their proposed prices on solicitation attachment J.7, which was a “Microsoft Excel Spreadsheet” that “populate[d] the fully burdened ceiling rates” for the base performance period and automatically calculated the rates for each subsequent performance period based on an “escalation factor embedded in the spreadsheet.” RFP at 149. Prior to the due date for submission of proposals, several offerors notified the agency that the initial version of attachment J.7 (referred to as the “Amendment 00 version” of J.7), was not functioning properly. Accordingly the agency amended the solicitation, issuing a revised attachment J.7 with RFP amendment 01, and stated: “Attachment J.7 . . . AMENDMENT 01 WILL ONLY BE ACCEPTED.” AR, Tab 7a, RFP Amendment 01, at 8 (capitalization in original); see also RFP at 111. The solicitation further warned that the failure to provide, or the alteration of, attachment J.7 “may result in the proposal being rejected as being non-conforming.” RFP at 149. Finally, the solicitation stated that, “[t]he Government intends to strictly enforce all of the proposal submission requirements.” Id. at 151.

On or before the December 3, 2015 closing date, the agency received 115 proposals, including a proposal submitted by Grant Thornton. Contracting Officer’s Statement at 2. Of relevance to this protest, Grant Thornton’s proposal submitted the Amendment 00 version of attachment J.7, rather than the Amendment 01 version. AR, Tab 4, Grant Thornton J.7 Spreadsheet. By letter dated May 13,

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

³ 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.

2016, the agency notified Grant Thornton that it had been excluded from consideration based on failure to submit the required attachment J.7. This protest followed.

DISCUSSION

Grant Thornton asserts that its submission of the wrong document was a “de minimus non-material clerical error” and, accordingly, that elimination of its proposal was improper. Protest at 2. 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 that conform to the solicitation requirements. See, e.g., Hallmark Capital Grp., LLC, B-408661.3 et al., Mar. 31, 2014, 2014 CPD ¶ 115 at 9.

Here, the agency points out that Grant Thornton’s pricing worksheet “was not functional.” Contracting Officer’s Statement at 2. As the contracting officer explains, Grant Thornton’s failure to comply with the solicitation’s express requirement would have required either Grant’s Thornton’s resubmission, after the closing date, of the appropriate document; or the agency’s manual entry of the proposed labor rates for 168 labor categories, on behalf of Grant Thornton.⁴ Id.

As noted above, the solicitation specifically provided that only the revised version of attachment J.7 would be accepted, specifically warned offerors that failure to submit the appropriate version of the document “may result in the proposal being rejected,” and further stated that the agency “intends to strictly enforce all of the proposal submission requirements.” RFP at 111, 149, 151. On this record, we find no basis

⁴ Any agency errors in such manual entry of Grant Thornton’s labor rates would have been the responsibility of the agency.

to question the reasonableness of the agency's elimination of Grant Thornton's proposal from consideration.⁵

The protest is denied.

Susan A. Poling
General Counsel

⁵ In pursuing this protest, Grant Thornton makes various arguments that are in addition to, or variations of, those discussed above. We have considered all of those arguments and find no basis to sustain the protest.