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Decision

Matter of: Federal Management Partners, Inc.

File: B-413155.7; B-413155.13

Date: August 30, 2016

Terrence M. O'Connor, Esq., Stephanie D. Wilson, Esq., and Frank Gulino, Esq., Berenzweig Leonard LLP, 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

Federal Management Partners, Inc. (FMP), 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 FMP 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

In March 2015, the agency issued a draft solicitation for the HCaTS procurement and, in connection therewith, released various draft attachments, including attachment J.7, discussed below. 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 stating: “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.

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.

On or before the December 3, 2015 closing date, the agency received 115 proposals, including a proposal submitted by FMP. Contracting Officer's Statement at 2. Of relevance to this protest, FMP's proposal included the version of attachment J.7 that had been provided with the draft RFP, rather than the final Amendment 01 version. Protest at 7. By letter dated May 13, 2016, the agency notified FMP that it had been excluded from consideration based on failure to submit the required attachment J.7. AR, Tab 5, Notification of Unsuccessful Offeror, at 1. This protest followed.

DISCUSSION

FMP asserts that, "although FMP's proposal did not include the correct Price Worksheet," the draft version of attachment J.7 that FMP submitted included its proposed labor rates. Protest at 12. Accordingly, FMP maintains that "GSA could have allowed FMP to correct this deficiency by [resubmitting its labor rates] on the correct Price Worksheet." Id. On this basis, FMP asserts that rejection of its proposal was improper. 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 the pricing worksheet submitted by FMP was "not functional."⁴ Contracting Officer's Statement at 2. The agency further notes that certain requirements regarding calculation of labor rates had been changed between the draft J.7 and the final J.7, and that accepting FMP's offer based on differing assumptions than those that were applicable to all other offerors would have been improper. Id. On this basis, the agency maintains that FMP's failure to comply with the solicitation's express requirement regarding submission of attachment J.7 would have required that FMP resubmit, after the closing date, the appropriate document. 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

⁴ As the agency explains, all draft attachments were posted with the disclaimer that they were non-functional. Contracting Officer's Statement at 2.

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 to question the reasonableness of the agency’s elimination of FMP’s proposal from consideration.⁵

The protest is denied.

Susan A. Poling
General Counsel

⁵ In pursuing this protest, FMP has made various arguments that are in addition to, or variations of, those discussed above. Among other things, FMP asserts that the agency was obligated to conduct discussions with FMP. Here, the solicitation stated, “[t]he Government intends to award contracts without discussions,” see RFP at 151, and it is our understanding that the agency did not conduct discussions with any offeror; accordingly, FMP’s assertions regarding discussions are without merit. See, e.g., EcoAnalysts, Inc., B-406233 et al., Mar. 19, 2012, 2012 CPD ¶ 169 at 5-6. We have considered all of FMP’s various arguments and find no basis to sustain its protest.