



# Decision

**Matter of:** Reagent World, Inc.

**File:** B-415490

**Date:** October 23, 2017

---

Ron Tash for the protester.  
Major Bruce L. Mayeaux, and Scott N. Flesch, Esq., Department of the Army, for the agency.  
Evan D. Wesser, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

---

## DIGEST

Protest challenging the agency's selection of a higher-priced, technically acceptable bid over the protester's lower-priced bid is denied where the agency reasonably found that the protester's bid failed to include material information required by the solicitation, and therefore was technically unacceptable.

---

## DECISION

Reagent World, Inc., a small business, of Irvine, California, protests the award of a contract to 3Sixty Mission Critical LLC, a small business, of Madison, Wisconsin, under solicitation No. RFQPR11055944, which was issued by the Department of the Army, for a datacenter APC capacitor replacement. Reagent World challenges the Army's determination that its lowest-priced bid was technically unacceptable.

We deny the protest.

## BACKGROUND

The solicitation, which was posted to the Federal Business Opportunities (FBO) website on September 19, 2017, was for the acquisition of a commercial item under Federal Acquisition Regulation (FAR) Part 12 using simplified acquisition procedures under FAR Part 13. Solicitation at 1. Furthermore, the procurement was conducted as a reverse

auction buy on FedBid.<sup>1</sup> Id. at 2. Award was to be made to the lowest-priced, technically acceptable bid. Id. at 3.

Relevant to the issues in this protest, both the FBO and FedBid websites included specific bid submission requirements pertaining to non-pricing information. First, the bid submission instructions unequivocally required offerors to provide detailed information demonstrating that the offered equipment met or exceeded the solicitation's minimum requirements. Specifically, the FedBid instructions provided:

In addition to providing pricing through [FedBid], Sellers MUST include certain non-pricing information as document(s) attached to their Bid . . . A Seller's failure to comply with these terms may result in its Bid being determined to be non-responsive. The attachment(s) must include the following non-pricing information: Seller shall attach the documentation of the meet or exceed service description. The attachment shall demonstrate that the product conforms to the salient characteristics attached to this [ ] solicitation.

Request for Dismissal, exh. 3, FedBid Listing, at 2 (emphasis in original).

Offerors were warned against merely copying the solicitation's general description of the equipment being procured. Specifically, both the FBO and FedBid websites instructed as follows:

Attachment must not be cut and paste or copied from buyer['s] attached document. It must be the seller['s] bid and detail relating to the solicitation characteristics. Sellers who do not include their own attachment will not be evaluated.

Solicitation at 3; Request for Dismissal, exh. 3, FedBid Listing, at 3.

Reagent World expressly indicated that it had "read and understood" the above instructions pertaining to the attachment when it submitted its bid. Request for Dismissal, exh. 4, Reagent World Bid, at 3.

Second, the FedBid instructions also directed offerors to include detailed information in the description field that they were to fill out as part of their respective bids:

---

<sup>1</sup> FedBid, Inc., is a commercial online procurement services provider that operates a website at FedBid.com, which, among other things, hosts reverse auctions. FedBid refers to procurements conducted through its system as "buys" and a participant in the reverse auction is said to submit a "bid." See FedBid FAQs (available online at [www.fedbid.com/buyers/getting-started/](http://www.fedbid.com/buyers/getting-started/)). In their filings, the parties refer to the competitors' submissions here as bids.

The Buyer is allowing Sellers to submit bids that either meet or exceed the requested specification. Sellers MUST enter exactly what they are bidding (including make, model, and description) into the blank description field in order for the bid to be considered.

Request for Dismissal, exh. 3, FedBid Listing, at 2 (emphasis in original).

As with the requirements for the attachment demonstrating that the offered equipment met or exceeded the solicitation's requirements, Reagent World expressly indicated that it had "read and understood" the above instructions regarding providing specific make, model, and description information into the description field in order for the bid to be considered. Request for Dismissal, exh. 4, Reagent World Bid, at 3.

In addition to the foregoing provisions, the solicitation incorporated by reference FAR clause 52.212-1, titled Instructions to Offerors--Commercial Items. In relevant part, that clause provides that "[o]fferors that fail to furnish required representations or information, or reject the terms and conditions of the solicitation may be excluded from consideration." FAR clause 52.212-1(b)(11).

On September 25, Reagent World submitted a bid of \$16,607.72. Request for Dismissal, exh. 4, Reagent World Bid, at 5. On September 28, the Army posted a notice on the FBO website that award was made to 3Sixty at a total price of \$16,608.75. Request for Dismissal, exh. 2, FBO Award Notice, at 1. This protest to our Office followed.

## DISCUSSION

Reagent World argues that it should have received the award because it proposed a lower price. The Army argues that it properly rejected the protester's lower-priced bid as technically unacceptable because it failed to comply with the solicitation's requirements to: (1) provide an attachment demonstrating how the offered equipment met or exceeded the solicitation's minimum requirements; and (2) include detailed make, model, and description information in the description field. Reagent World maintains that it provided a detailed capability statement with its bid "which indicates a variety of relevant completed work that illustrates that our firm is more than capable of completing the" solicitation. Opp. to Request for Dismissal at 1. For the reasons that follow, we find that the Army reasonably rejected the protester's bid as technically unacceptable.<sup>2</sup>

---

<sup>2</sup> The agency submitted a request for dismissal arguing that the protester is not an interested party because its bid did not conform to the solicitation requirements. Although we resolve this protest on the merits, our Office did not request that the Army submit an agency report in response to the protest. Rather, the portions of the record submitted with the agency's request for dismissal clearly demonstrate that the protester's bid failed to include material information required by the solicitation.

As noted above, the solicitation provided for evaluating bids under the simplified acquisition evaluation procedures listed in FAR Part 13. When using these procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition and evaluate quotations in accordance with the terms of the solicitation. In reviewing protests of allegedly improper simplified acquisition evaluations, we examine the record to determine whether the agency met this standard and exercised its discretion reasonably. Emergency Vehicle Installations Corp., B-408682, Nov. 27, 2013, 2013 CPD ¶ 273 at 4. A vendor is responsible for affirmatively demonstrating the merits of its quotation and risks the rejection of its quotation if it fails to do so. Id.

The record shows--and Reagent World did not contend otherwise in response to the agency's request for dismissal--that the protester did not include the required attachment demonstrating how its offered equipment met or exceeded the solicitation's requirements. Rather, as discussed below, the only attachment provided by Reagent World was a generic corporate capability statement. See Request for Dismissal, exh. 4, Reagent World Bid, at 4. Additionally, the record demonstrates that the protester failed to provide any detailed make, model, or description information in the description field. Rather, Reagent World merely copied verbatim the Army's "Requested Specification" as its "Seller Line Item Details." Id. at 5. Thus, consistent with the solicitation's instructions, the agency reasonably concluded that the protester's bid was technically unacceptable.

Furthermore, the capability statement does not cure the material bid deficiency for failing to include the detailed information required by the solicitation. In this regard, the capability statement merely discusses the protester's prior past performance and provides associated references. See Request for Dismissal, exh. 5, Capability Statement. Nothing in the capability statement discusses the requirements of the solicitation at issue, let alone provides the missing detail that was expressly required by the solicitation.

We deny the protest.

Susan A. Poling  
General Counsel