



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: JRS Management

File: B-405361; B-405361.2; B-405361.3

Date: October 3, 2011

Jacqueline Sims, JRS Management, for the protester.
William D. Robinson, Esq., Department of Justice, Bureau of Prisons, for the agency.
Linda C. Glass, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Agency reasonably determined protester's quotation was technically unacceptable where quotation failed to comply with requirement of the solicitation to provide supporting documentation evidencing instructor's qualifications and experience and, further, protester failed to provide this information when repeatedly requested by the agency.

DECISION

JRS Management of Lawrenceville, California, protests the Federal Bureau of Prisons' (BOP) determination that the firm's quotation in response to request for quotations (RFQ) No. P03091100011 was technically unacceptable.

We deny the protest.

The BOP issued the RFQ to provide the services of a computer aided drafting vocational trades instructor at the Federal Correctional Institution in Miami, Florida.¹ The RFQ required that the vendor's instructor candidate possess the following experience and qualifications:

¹ The RFQ, issued as a small business set-aside, provided that award would be made "to contractor whose quote, conforming to the solicitation, represents the lowest price to the Government, in accordance with FAR [Federal Acquisition Regulation] 52.212-1(g)." FAR § 52.212-1(g) provides that the government intends to make award without discussions.

1. One year of teaching experience with demonstrated competencies, skills, and knowledge levels on which the instructor will be expected to teach.
2. State of Florida Teaching Certificate or non-degree Vocational Teaching Certificate.
3. One year Computer Aided Drafting teaching experience.

RFQ at 8. The RFQ also required that the vendor include in its quotation “supporting documentation” showing that its instructor candidate meets the above qualification and experience requirements. RFQ at 25. The RFQ stated that a vendor’s failure to provide this information “may cause your quote to be considered unacceptable.” Id.

JRS was the only vendor to submit a quotation. Agency Report (AR), Tab 2, Contracting Officer’s Statement, ¶ 10. JRS’ quotation identified the name of its instructor candidate and provided the candidate’s college diploma and Florida teaching certificate. AR, Tab 5, JRS Quotation, at 8-9. The quotation also summarized the candidate’s qualifications, stating that the candidate had four years of high school teaching experience which included experience teaching computer aided drafting. Id. at 7. However, the quotation did not identify where the candidate worked, provide any references for the agency to verify the candidate’s experience, or include any supporting documentation to substantiate JRS’ summary description of the candidate’s teaching experience. Id.

The contracting officer contacted JRS on June 22, July 6, July 12, and July 14, 2011, requesting that JRS provide reference information for the instructor candidate so that the agency could verify the candidate’s experience. AR, Tab 2, Contracting Officer’s Statement, ¶¶ 13, 17-18, 20; Tab 6, E-mail Discussion, at 2. The contracting officer explained that “I need the requested information . . . or you will not be consider[ed] for award.” AR, Tab 6, E-mail Discussion at 1; Declaration of JRS ¶ 9.

JRS did not provide the requested information, and instead protested that requirement to our office.² Thereafter, the agency advised that JRS’ quotation was technically unacceptable for failing to include supporting documentation evidencing the instructor’s qualifications and experience. AR at 6. JRS then supplemented its

² JRS alleged that the qualification requirement was a matter of responsibility and not evaluation criteria, and that award should be made based on price alone. Protest at 2-5; Supp. Protest at 2-4; Second Supp. Protest a 3-5. We have rejected these arguments in a previous decision of our Office involving a similar solicitation requirement, and we decline to reconsider these arguments here. See JRS Mgmt., B-405355, Sept. 28, 2011, 2011 CPD ¶ __ at 2.

protest, challenging the finding of technical unacceptability on the grounds that the solicitation did not require the submission of resumes or employment references. Second Supp. Protest at 2-3.

In reviewing an agency's technical evaluation, we will examine the record to ensure that the evaluation was reasonable and consistent with the evaluation criteria and with procurement statutes and regulations. United Coatings, B-291978.2, July 7, 2003, 2003 CPD ¶ 146 at 6. A quotation that fails to conform to a material solicitation requirement is technically unacceptable and cannot form the basis for award. United Coatings, supra, at 9.

We find that JRS's quotation was properly found unacceptable. In this regard, the RFQ's plain language required vendors to submit supporting documentation to show that the instructor candidate possessed the required qualifications and experience. RFQ at 25. Although the protester's quotation generally described the candidate's experience, the quotation did not include sufficient details (such as where the individual worked) for the agency to verify the experience. Furthermore, JRS failed to provide the information when repeatedly requested by the agency. Since the quotation did not contain any supporting documentation showing that the instructor candidate possessed the requisite experience, and JRS failed to provide the documentation when requested by the agency, we find reasonable the agency's determination that JRS' quotation was technically unobjectionable.

The protest is denied.

Lynn H. Gibson
General Counsel