



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: CDS Network Systems, Inc.

File: B-281200

Date: December 21, 1998

Sally Johnson for the protester.

Robert D. M. Allen, Esq., Department of the Air Force, for the agency.

Henry J. Gorczycki, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of this decision.

DIGEST

Agency reasonably eliminated quotation from consideration in a procurement conducted using simplified acquisition procedures where the solicitation required the submission of documentation describing similar contract experience for evaluation of past performance and the quotation did not include such documentation; there was no obligation for the agency to conduct discussions regarding the failure to provide the required documentation.

DECISION

CDS Network Systems, Inc. protests the rejection of its quotation under request for quotations (RFQ) No. F44650-99-Q0010, issued by the Department of the Air Force for preventive and remedial maintenance services for commercial information technology hardware that supports the Airborne Warning and Control System at Tinker Air Force Base, Oklahoma.

We deny the protest.

The Air Force conducted this procurement pursuant to the simplified acquisition procedures of Federal Acquisition Regulation (FAR) Part 13. Agency Report at 1. The RFQ, issued on September 10, 1998 as a small business set-aside, sought fixed-priced quotes for maintenance services on the equipment listed in the solicitation. The RFQ stated the following evaluation plan:

The Government intends to award a purchase order with the prospective contractor whose quotation conforming to the solicitation

will be most advantageous to the Government. Accordingly, the following factors shall be used to evaluate quotations:

- a. Price
- b. Past Performance - To enable evaluation of this factor, documentation describing experience in similar efforts for similar equipment to include contract numbers, points of contact, addresses and telephone numbers, accomplished within the past 5 years must be included with the quotation. Quotations submitted without said documentation will not be considered for award.

RFQ at 3-4.

The agency received eight quotes. Contracting Officer's Statement at 1. CDS submitted the lowest-priced quote; however, its quote did not include documentation describing its experience accomplished in the last 5 years in similar efforts maintaining similar equipment to that listed in the RFQ, or identify contract numbers. Protester's Quotation, List of References. Although its quote did list names, addresses and phone numbers for five references, the quote stated that these references "are for maintenance/repair work performed by our Affiliate company ESSC(Genicom)." Id.

The Air Force determined that CDS's quote failed to conform to the RFQ in a material manner and eliminated it from consideration.¹ Contracting Officer's Statement at 5; Agency Legal Memorandum at 2-3. On September 30, the Air Force selected Digital Support Corporation for award. Contracting Officer's Statement at 2. This protest followed.

CDS alleges that the agency should have contacted CDS for the additional information before rejecting its quotation.

The purpose of the simplified acquisition procedures at FAR Part 13 is to reduce administrative costs, improve opportunities for small, small disadvantaged, and women-owned small business concerns to obtain a fair proportion of government contracts, promote efficiency and economy in contracting, and avoid unnecessary burdens for agencies and contractors. FAR § 13.002 (FAC 97-03). A contracting officer shall promote competition to the maximum extent practicable to obtain supplies and services from the source whose quotation is the most advantageous to the government, considering relevant factors. FAR §§ 13.104, 13.106-1(a). The contracting officer shall evaluate quotations in an impartial manner on the basis

¹Three quotations, including CDS's, were rejected for lack of the required past performance information. Contracting Officer's Statement at 1.

stated in the solicitation. FAR § 13.106-2(a); see Nunez & Assocs., B-258666, Feb. 10, 1995, 95-1 CPD ¶ 62 at 2. In doing so, the contracting officer has broad discretion in fashioning suitable evaluation procedures for quotes received and may, but is not required to, use one or more of the evaluation procedures prescribed in FAR Parts 14 and 15. FAR § 13.106-2(b)(1). However, when the evaluation includes factors in addition to price, the contracting officer shall ensure that quotations can be evaluated in an efficient and minimally burdensome fashion; thus, using formal evaluation plans, establishing a competitive range, conducting discussions, and scoring quotations are not required. FAR § 13.106-2(b)(2). In reviewing protests against an allegedly improper evaluation under small purchase acquisitions, we will examine the record to determine whether the agency met this standard and reasonably exercised its discretion. See Nunez & Assocs., *supra*.

Here, the RFQ stated that quoters would be evaluated on past performance, required firms to submit documentation identifying similar experience with similar equipment within the last 5 years, and stated that quotations which did not submit such documentation would not be considered for award. CDS's quotation did not provide the required documentation, but submitted only references for its affiliate. Therefore, the agency exercised reasonable discretion in eliminating CDS's quotation from consideration. See California Resources, B-280176, Sept. 8, 1998, 98-2 CPD ¶ 61 at 2, 4 (quote was unacceptable for failure to provide required reference information establishing similar experience); Nunez & Assocs., *supra*, at 2-3 (quote was unacceptable for failure to provide required staff information).

CDS nevertheless alleges that it had adequate past performance documentation prepared and would have submitted it had the Air Force notified CDS of the deficiency in its quotation. However, the agency made award without conducting discussions and, since this acquisition was conducted under the simplified acquisition procedures, there was no requirement for the Air Force to conduct discussions with CDS or to notify it of deficiencies in its quotation. FAR § 13.106-2(b)(2); see Sterling Inst., B-223729, Oct. 3, 1986, 86-2 CPD ¶ 390 at 3.

The protest is denied.

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