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Comptroller General
of the United States

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Decision

Matter of: GSA, Inc.
File: B-283177
Date: October 18, 1999

Samuel D. Kerr, Esq., Banks, Johnson, Colbath & Kerr, for the protester.
L. Benjamin Young, Jr., Esq., Department of Agriculture, for the agency.
Jennifer D. Westfall-McGrail, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably determined that higher-priced quotation represented better value to the government than lower-priced one where vendor quoting higher price had extensive experience manufacturing the item sought, whereas the lower-priced vendor had none.

DECISION

GSA, Inc. protests the issuance of a purchase order to Architectural Wood Institute (AWI) under request for quotations (RFQ) No. R1-16-99-900Q, issued by the Forest Service, Department of Agriculture, for fuel moisture sticks. The Forest Service uses the sticks in determining forest fire control ratings. GSA contends that it should have received the purchase order because its quotation was lower in price than AWI's.

We deny the protest.

In accordance with Federal Acquisition Regulation (FAR) part 12.6 (Streamlined Procedures for Evaluation and Solicitation of Commercial Items), the Forest Service posted notice of a combined synopsis/solicitation for the fuel moisture sticks on the Commerce Business Daily Online (CBDNet) on May 21, 1999. The notice set forth detailed technical specifications for the sticks, which consist of four wooden dowels (kiln-dried to a uniform moisture content of 15 percent or less) attached to two hardwood pins. Prices were sought for an estimated quantity of 3,000 sets of sticks per year for each of 3 years. The notice instructed vendors to submit pricing for all 3 years "along with a description of sets furnished, experience and quality control in this type of work and names of references for past performance history." Agency

Report, Tab 2, CBDNet Notice/Solicitation, May 21, 1999, at 000013-000014. The notice further instructed that “quotations received will be subject to the Simplified Acquisition Procedures, Part 13 of the [FAR], and may be evaluated using price and other factors, such as successful past performance, technical experience and ability to meet the Government’s needs, and price.” Id. at 000014.

The Forest Service received three quotations in response to the RFQ; one of the three was subsequently withdrawn, leaving only the quotations of GSA and AWI for consideration. GSA quoted a price of \$10 per set of sticks for each of the 3 years; AWI quoted a price of \$10.50 per set for the base year, \$11.50 for the first option year, and \$12.50 for the second option year. GSA furnished a list of recently performed contracts as part of its quotation, but did not furnish evidence that the firm had experience in manufacturing fuel moisture sticks or other wood products. GSA also failed to furnish any information regarding its quality control processes. AWI, in contrast, furnished a summary of its 19 years of experience in manufacturing the sticks and a description of its quality control methods. AWI also furnished a list of commercial and government clients to which it had furnished sticks.

The contracting officer determined that GSA had not satisfactorily demonstrated in its quotation its ability to produce the sticks. The contracting officer further determined that given that AWI had extensive experience in manufacturing the sticks, whereas GSA had none, its response was technically superior to GSA’s and represented the best value to the government. Agency Report, Tab 4, Determination for Award Statement, at 2. On June 28, the contracting officer issued a purchase order to AWI.

GSA contends that the purchase order should have been issued to it since it was the lowest-priced qualified vendor. Specifically, GSA argues that it was unreasonable for the agency to decide that the awardee’s experience in manufacturing the sticks warranted its higher price because, in GSA’s view, the sticks are fairly simple products which are not difficult to produce. GSA asserts that there was no basis to question its ability to produce the sticks in light of its own general experience in supplying products to the government and its promise to furnish products meeting the agency’s technical specifications. GSA also asserts that the agency should have asked GSA for more information about its capabilities if it had questions in that regard.

When using simplified acquisition procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition, and must evaluate quotations in accordance with the terms of the solicitation. Envntl. Tectonics Corp., B-280573.2, Dec. 1, 1998, 98-2 CPD ¶ 140 at 4. In reviewing protests against an allegedly improper evaluation, we will examine the record to determine whether the agency met this standard and reasonably exercised its discretion. M3 Corp., B-278906, Apr. 1, 1998, 98-1 CPD ¶ 95 at 3.

Here, we see no basis to object to the agency's selection decision. The record shows that despite the solicitation instruction to submit a description of the sets that it was furnishing and of its experience and quality control in this type of work, GSA's submittal included no description of the items to be furnished or its quality control procedures, and no evidence that it had previous experience as a firm in the manufacture of fuel moisture sticks, or other wood products. In contrast, as set out above, AWI demonstrated extensive experience in manufacturing the sticks and described its quality control processes in detail. Under these circumstances, we think it was reasonable for the contracting officer to conclude that AWI's experience warranted its higher price, and that its quotation represented the best value to the government.

With regard to GSA's assertion that AWI's experience producing the fire sticks should not be regarded as particularly significant in light of the allegedly simple nature of the sticks, the contracting officer describes the sticks as a "highly defined wood product," a characterization supported by the list of detailed technical specifications included in the RFQ. Agency Report, Tab 4, Determination for Award Statement, at 1; Agency Report, Tab 2, CBDNet Notice/Solicitation, May 21, 1999, at 000014. In addition, the contracting officer explains that the sticks are "very important in making critical decisions regarding the management of wildfire situations," *id.* at 2, and that the agency thus was concerned about the quality control processes involved in their manufacture. GSA's mere disagreement is not sufficient to show that the agency's technical judgment--that AWI's experience with producing the sticks and its quality controls processes were important considerations in selecting a vendor to provide this critical use product--was unreasonable.¹ See Global Assocs., Ltd., B-256277, June 6, 1994, 94-1 CPD ¶ 347 at 6.

Further, contrary to the protester's argument, the agency was under no obligation to solicit further information from the protester regarding the areas called for by the RFQ. See James S. Hutcheson, B-244662, Oct. 28, 1991, 91-2 CPD ¶ 383 at 2-3. Moreover, to the extent that the protester has attempted to establish its

¹The solicitation here did not make clear what the basis for source selection would be--that is, whether award was to be made to the vendor whose quotation represented the best value to the government or to the lowest-priced qualified firm. See COMARK Fed. Sys., B-278343, B-278343.2, Jan. 20, 1998, 98-1 CPD ¶ 34 at 5. GSA does not specifically challenge the RFQ in this regard; in fact, any protest on this ground after the selection was made would have been untimely. Med-National, Inc.--Recon., B-246192.2, Nov. 19 1991, 91-2 CPD ¶ 480 at 2. Although its argument that the agency put too much emphasis on a vendor's experience suggests that it believes that the selection should have been based on price rather than other factors, GSA, having failed to timely raise the issue, cannot now complain about the agency's decision to base its selection on a best value evaluation scheme. Cf. Home Care Med., Inc., B-245189, Aug. 21, 1991, 91-2 CPD ¶ 186 at 2.

qualifications through the submission of additional information with its protest filings, information furnished with a protest that was not submitted to the agency with the vendor's quotation cannot be used to support a vendor's claim to be qualified. Lyudmila Franke; Maria Reznikova; Alexander Reznikov, B-275164 et al., Dec. 18, 1996, 96-2 CPD ¶ 231 at 5.

The protest is denied.

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