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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Dee Monbo, CPA

File: B-412820

Date: May 23, 2016

Dee Monbo, CPA, for the protester.

John S. Vento, Esq., Trenman Law, for Calhoun International, LLC, the intervenor.
John Guinan Jr., Esq., National Oceanic and Atmospheric Administration, for the agency.

Mary G. Curcio, Esq., and Cherie J. Owen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency unreasonably evaluated protester's technical proposal is denied where protester did not demonstrate that proposed specialist had capability with respect to the solicitation's subject matter.

DECISION

Dee Monbo, CPA, of Owings Mills, Maryland, protests the issuance of a purchase order to Calhoun International, LLC, of Tampa, Florida, under request for quotations (RFQ) No. NAAA0600-15-00270, issued by the National Oceanic and Atmospheric Administration (NOAA) for an international affairs specialist to assist NOAA's Office of International Affairs. Dee Monbo complains that the agency unreasonably evaluated the awardee's and the protester's proposals.

We deny the protest.

The solicitation, which was set aside for small businesses, advised potential vendors that NOAA was seeking an international affairs specialist whose areas of expertise are such that he or she can provide critical assistance to the Office of International Affairs.¹ RFQ, Part 2, Statement of Work at ¶ 2.0. The solicitation

¹ The RFQ advised that this procurement would be conducted pursuant to Federal Acquisition Regulation (FAR) Subpart 12.6, Streamlined Procedures for Evaluation and Solicitation for Commercial Items. RFQ at 1.

noted that NOAA works closely with other federal agencies and scientific organizations in the U.S. and around the world to execute its mission to understand and predict changes in climate, weather, oceans, coasts, and space, and to share that knowledge and information with others. Id. at ¶ 1.0. The RFQ further explained that NOAA partners with many organizations around the world in pursuit of scientific research and the dissemination of its knowledge to the general public. Id.

The successful offeror will be required to, among other things, perform analytical and evaluative work related to the development of international policy for a suite of oceanic and/or atmospheric issues; participate and lead as appropriate, interagency and international working groups/task forces representing policies, objectives, and decisions by NOAA leadership; ensure close coordination and cooperation among federal agencies, stakeholders, and congressional staff; establish and maintain effective working relationships with leadership, technical and scientific advisors, and all levels of external individuals and groups gaining cooperation and support and acceptance of issues, initiatives or other matters; develop policy statements for inclusion in U.S. position papers for international meetings, briefing materials, and related documents for use within NOAA and federal agencies, ensuring that all positions are clearly communicated, and considered; and write, review, and approve a myriad of actions, briefings, controlled correspondence, leadership messages, speeches, press releases, testimony, and routing reports for NOAA, the Department of Commerce, and the White House relating to international agreements, policies, and regulations. Id. at ¶ 3.0.

The solicitation provided for the issuance of the purchase order on a best-value basis, based on an evaluation of technical, past performance, and price factors. RFQ, Part 11, Evaluation. The agency received 14 quotations. Contracting Officer's Statement at 1. Dee Monbo's quotation was rated unacceptable under the technical factor and neutral for past performance, and as a result, Dee Monbo's quotation was not considered eligible for award of the purchase order.² RFQ at 3, 4. Calhoun's quotation, which was among three considered technically acceptable, was rated good for the technical and past performance factors. Id. The agency performed a best value trade-off among the three acceptable quotations and chose Calhoun's quotation at a price of \$199,577.60. Id. at 6. This protest followed.

Dee Monbo protests that the agency miscalculated its proposal under the technical and past performance factors. With respect to the technical factor, offerors were

² Under the technical factor, vendors could receive ratings of excellent, good, satisfactory, marginal or unsatisfactory. Past performance was assigned ratings of outstanding, good, satisfactory, marginal, unsatisfactory, or neutral. CO Statement at 3.

instructed to address their technical approach and include a resume for the proposed specialist. RFQ, Part 10, Quote Submittal Instructions. The solicitation provided that the government would evaluate the technical capabilities of the offeror as well as the functions and features of the service being offered. Id.

The agency found that Dee Monbo's quotation was unacceptable under the technical factor because the proposed specialist had no demonstrated capability in developing international policies on oceanic or atmospheric issues or science of any type. Instead, the protester's proposed specialist's experience and education focused on areas such as financial policies, operating budgets, disaster loan waivers, operations of vending facilities on federal properties, and financial audits. Agency Report (AR), Tab 3, Technical Evaluator Statement, at 3; Tab 7, Technical Evaluation Report, at 1.

Dee Monbo protests that the agency unreasonably evaluated its proposal as technically unacceptable because it ignored the qualifications of its proposed specialist. To support this position Dee Monbo points to a different job announcement issued by NOAA for an international affairs specialist on January 16, which lists an acceptable qualification as three full years of progressively higher level graduate education. Protest Comments at 9. Dee Monbo asserts that the qualifications of its proposed specialist, which include a Master's degree in business administration and three years of progressively higher level graduate education, exceed the qualifications set out in the job notice.

Dee Monbo's assertion that its proposed specialist meets the education and experience requirements set out in a different job announcement published by NOAA for an international affairs specialist is irrelevant to the agency's evaluation here. The RFQ under which Dee Monbo competed did not include those qualifications. In this regard, our role in resolving Dee Monbo's bid protest is to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria in the issued solicitation and with applicable procurement statutes and regulations. ARBEiT, LLC, B-411049, Apr. 27, 2015, 2015 CPD ¶ 146 at 4.

Here, the solicitation explained that NOAA's mission was to work closely with scientific organizations in, among other areas, climate change, weather, and oceans. The agency was seeking an international affairs specialist to perform, among other things, analytical and evaluative work related to the development of international policy for a suite of oceanic and/or atmospheric issues, and to participate in developing policy papers. In this regard, the RFQ required that the proposed international affairs specialist be an individual "whose areas of expertise [are] such that they can provide critical assistance to the Office of International Affairs and international affairs assistance to NOAA leadership." RFQ, Part 2, Statement of Work at ¶ 2.0. Dee Monbo proposed a specialist with a background in accounting and financial management which the agency found, and Dee Monbo

does not dispute, is not similar to the work that will be performed under this contract. Under these circumstances we have no basis to conclude that the agency unreasonably evaluated Dee Monbo's quotation as unacceptable.

With respect to Dee Monbo's remaining arguments concerning the agency's evaluation of its past performance and the evaluation of the quotation of Calhoun, Dee Monbo is not an interested party to raise these bases of protest. Under our Bid Protest Regulations, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 4 C.F.R. § 21.0(a)(1) (2016). A protester is not an interested party where it could not be considered for an award if its protest were sustained. See JSF Sys., LLC, B-410217, Oct. 30, 2014, 2014 CPD ¶ 328 at 4.

Since we find that the agency reasonably determined that Dee Monbo's proposal was technically unacceptable, it follows that the protester was properly found ineligible for award. As such, the protester is not an interested party to challenge the agency's evaluation of the awardee's proposal or the evaluation of the protester's own past performance. Accordingly, these bases for protest are dismissed. See id.

The protest is denied.

Susan A. Poling
General Counsel