

Decision

Matter of: Genesis Design and Development, Inc.

File: B-414254

Date: February 28, 2017

Antonina Holland, Genesis Design and Development, Inc., for the protester.
Sherry Kinland Kaswell, Esq., Department of the Interior, for the agency.
Joshua R. Gillerman, Esq., and Tania Calhoun, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's rejection of offeror's proposal is denied where rejection was reasonable and consistent with the solicitation and applicable statutes and regulations.

DECISION

Genesis Design and Development, Inc. (Genesis), of Rio Rancho, New Mexico, protests the rejection of its proposal under request for proposal (RFP) No. P17PS00161, issued by the Department of the Interior, National Park Service (NPS), for the design and construction of an accessible parking area and accessible ramp at the Alamo Canyon Campground in Ajo, Arizona. Genesis argues the agency unreasonably rejected its proposal for failure to provide three past performance questionnaires completed by previous customers.

We deny the protest.

BACKGROUND

The RFP was issued on December 8, 2016, and contemplated the award of a fixed-price contract for the design and construction of an accessible parking area and ramp at the Organ Pipe Cactus National Monument. RFP at 7, 20.¹ The solicitation

¹ Page citations are based on the page numbers in a pdf document submitted by the agency with its report responding to the protest.

provided for award to the lowest-priced, technically acceptable (LPTA) proposal. RFP at 22.

The solicitation stated that proposals would receive a preliminary review to determine whether they contained sufficient information to allow the government to perform a meaningful evaluation. RFP at 22. As is pertinent to the protest, the RFP expressly required offerors to provide three past performance questionnaires completed by previous customers to show that the offeror has successfully completed all tasks associated with the RFP's requirements. RFP at 23. The solicitation further stated that if the preliminary review indicated the proposal lacked sufficient information to allow for a meaningful evaluation, the agency could eliminate the proposal from further consideration. RFP at 22.

The agency received a number of proposals in response to the solicitation. Contracting Officer's Statement of Facts (COSF) at 3-4. Genesis' proposal was found technically unacceptable because it did not include all of the information and documents required by the RFP. Id. Award was made to MedVed Global, Inc. as the firm submitting the LPTA proposal. Id. at 4.

After learning of the agency's award decision Genesis timely requested a debriefing. COSF at 4. The contracting officer advised Genesis that, although it submitted three past performance questionnaires (PPQs), its proposal was deemed unacceptable because the PPQs it submitted were not completed by previous customers. Id.; Agency Report, exh. 4, Genesis Proposal, at 14-25. After receiving its debriefing from the agency, Genesis timely filed the instant protest.

DISCUSSION

Genesis generally challenges the agency's rejection of its proposal as technically unacceptable. We note at the outset that, in reviewing protests challenging an agency's evaluation of proposals, our Office does not reevaluate proposals or substitute our judgment for that of the agency; rather, we review the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. ManTech Advanced Sys. Int'l., Inc., B-413717, Dec. 16, 2016, 2016 CPD ¶ 370 at 3. In addition, an offeror is responsible for submitting an adequately written proposal and bears the risk that the agency will find its proposal unacceptable where it fails to demonstrate compliance with all of a solicitation's requirements. Id. at 5, 7.

Genesis concedes that its PPQs were not completed by its previous customers. However, Genesis argues that it submitted PPQs containing information identifying its past clients, and that it reasonably anticipated that the agency would seek the required information directly from its clients. Genesis suggests that it is often difficult to obtain such information from its clients because they often are too busy to

respond in the absence of an inquiry directly from the acquiring activity. Genesis also notes that in previous cases, agencies have sought out such information.

We find no merit to Genesis' protest. As discussed, the RFP specifically required offerors to submit completed PPQs. Here, Genesis did not comply with the solicitation's express requirements. Furthermore, the solicitation put offerors on notice that failure to supply the required documentation--including the PPQs--could result in the proposal's elimination from further consideration. RFP at 22. In light of the requirements set forth in the solicitation, we conclude that the agency reasonably rejected Genesis' proposal. Wolverine Servs. LLC, B-409906.3, B-409906.5, Oct. 14, 2014, 2014 CPD ¶ 325 at 5.²

The protest is denied.

Susan A. Poling
General Counsel

² To the extent Genesis argues that, in other procurements contracting officers have been willing to solicit information directly from its customers, that fact is immaterial; each procurement stands alone, and actions taken in a different procurement are not relevant to our consideration of the agency's actions here. Phoenix Envtl. Design, Inc., B-411746, Oct. 14, 2015, 2015 CPD ¶ 319 at 5.