



Decision

Matter of: LED Lighting Solutions, LLC

File: B-416127

Date: May 9, 2018

Tom DeSantos, for the protester.
Jason W. Allen, Esq, and Scott N. Flesch, Esq., Department of the Army, 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 the agency's rejection of vendor's quotation is denied where the record shows that the rejection was reasonable and consistent with the solicitation and applicable statutes and regulations.

DECISION

LED Lighting Solutions, LLC, of Berlin, Connecticut, protests the award of a contract to Van Meter Industrial, Inc., of Des Moines, Iowa, under request for quotations (RFQ) No. W912LP-18-P-8011, issued by the Department of the Army, Iowa Air National Guard, to procure light-emitting diode (LED) lights for the munitions storage area of the Iowa Air National Guard Base in Des Moines, Iowa. The protester argues that it should have received award because it submitted a lower-priced quotation than the awardee and its quoted product exceeded the solicitation's brand name or equal specifications.

We deny the protest.

BACKGROUND

The RFQ was issued on January 23, 2018, as a small business set-aside under the streamlined acquisition procedures of Federal Acquisition Regulation (FAR) subpart 12.6. Agency Report (AR), Tab 3, RFQ at 2. The basis for award was price, provided the quoted LED lights satisfied the minimum specifications listed in the RFQ. Id. The RFQ provided examples of brand name LED lights that would be acceptable but noted that equivalent LED lights would also be acceptable, provided they met the minimum requirements delineated in the RFQ. Id. at 42.

Relevant here, the RFQ listed minimum specifications for three separate contract line item numbers (CLINs), corresponding to three different types of lights being procured by the agency. RFQ at 2; 41-69. CLINs 0001 and 0002 collectively required 19 “type two” LED lights.¹ AR, Tab 7, RFQ amend. 3, at 71. CLIN 0003 sought two “type three” LED lights. Id. Additionally, all of the lights quoted under each CLIN were required to have a minimum “glare rating” of two.² RFQ at 48, 56, 64. The agency notes that the type of light output, and compliance with the prescribed BUG rating, see infra, n.2, were critical requirements due to the base’s proximity to a runway of the Des Moines International Airport. AR, Tab 2, COSF, at 3. The lights also had to comply with the standards of the Unified Facility Codes (UFC). RFQ at 42. Pursuant to the UFC, lights located near an airfield may not exceed a glare rating of two to prevent interference with pilot vision. AR, Tab 8, UFC 3-530-01, paragraph 4-9.

The protester submitted its quotation on February 1, at a price of \$29,392. AR, Tab 9, at 1. After performing an initial technical review of the protester’s quotation, the agency sent the protester an email asking it to clarify the types of LED lights it was quoting, as well the lights’ glare ratings. AR, Tab 2, at 5-6; AR, Tab 10, Clarifications Emails, at 1-2. The protester responded that it was quoting “type three” lights, and also indicated that all of its lights had a glare rating of three. AR, Tab 10, Clarifications Emails, at 1-2. On March 5, the agency found the protester’s quote technically unacceptable for failure to meet the RFQ’s minimum requirements. AR, Tab 11, at 1. Specifically, while CLINs 0001 and 0002 sought “type two” lights, the protester quoted exclusively “type three” lights. Id. Additionally, the protester’s quoted lights failed to satisfy the RFQ’s minimum glare requirements. Id. On March 12, the agency made award to Van Meter for \$34,487. This protest followed.

DISCUSSION

The protester argues that it should have received award because it submitted a lower-priced quotation than the awardee and its quoted lights exceeded the RFQ’s minimum requirements. Protest at 1. For the reasons discussed below, we have no

¹ The agency explains that “type two” lights focus light narrower and closer to the light’s mounting surface, whereas “type three” lights focus light wider and further in front of the light’s mounting surface. AR, Tab 2, Contracting Officer’s Statement of Facts, (COSF) at 2.

² The lights being procured had to satisfy minimum backlight, up-light, and glare ratings (BUG), specified in the RFQ. RFQ at 48, 56, and 64. The BUG rating system is an industry standard for determining how well a light controls backlight (B), up-light (U), and glare (G). COSF at 2. Ratings for backlight, up-light, and glare range from zero to five in each category, with zero indicating the least amount of stray light, light pollution, and glare, while five indicates the most amount of stray light, light pollution, and glare. Id. As the protester’s quoted lights only failed to meet the RFQ’s minimum glare rating requirements, this decision will only discuss the glare component of the BUG rating.

basis to object to the agency's conclusion that the protester's quotation was technically unacceptable.

In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate the quotations; rather, we will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. OPTIMUS Corp., B-400777, Jan. 26, 2009, 2009 CPD ¶ 33 at 4. Clearly stated solicitation technical requirements are considered material to the needs of the government, and a quotation that fails to conform to such material terms is technically unacceptable and may not form the basis for award. See, e.g., Stewart Distributors, B-298975, Jan. 17, 2007, 2007 CPD ¶ 27 at 3-4. A vendor is responsible for affirmatively demonstrating the merits of its quotation and risks the rejection of its quotation if it fails to do so. Id.

As noted above, the RFQ required vendors to provide 19 "type two" LED lights. RFQ amend. 3 at 71. The RFQ also required that all lights quoted have a glare rating of two. RFQ at 48, 56, 64. The protester, however, quoted exclusively "type three" LED lights, all of which had glare ratings of three. AR, Tab 10, Clarifications Emails, at 1-2. Consequently, the agency found the protester's quotation technically unacceptable. AR, Tab 11, Non-Compliant Memorandum for Record, at 1. Thus, our review of the record provides us with no basis to question the agency's conclusion that the protester's quotation was technically unacceptable for failure to satisfy the RFQ's minimum requirements. See Stewart Distributors, supra.

In its comments on the agency report, the protester does not dispute the agency's conclusion that its quotation failed to meet the RFQ's minimum specifications. Rather, the protester essentially challenges the reasonableness of the agency's specifications, arguing, for example, that "[t]he reviewer of the bids was clearly only focused on type [two] or [type three] label, as opposed to the real criteria as to how our products matched what light levels, uniformity, spread, etc. . . ." Comments at 2. The protester also argues that "the engineering diagram was illegible" and "[n]owhere was it stated to be designed as an [a]irfield, which this [b]ase is not." Id. at 3. The protester then concludes "[i]n summary, the technical requirements were not clearly stated in the solicitation." Id. at 3. To the extent that the protester now argues that it was unreasonable for the agency to have a minimum requirement for the type of light to be procured, or that the RFQ's technical specifications were unclear, these arguments allege improprieties in the solicitation that, in order to be timely, were required to be raised prior to the closing time for receipt of quotations. 4 C.F.R. § 21.2(a)(1). Accordingly, these allegations are untimely and will not be considered.

The protest is denied.

Thomas H. Armstrong
General Counsel