



## Decision

**Matter of:** Energy by Native American Design, LLC

**File:** B-416899

**Date:** January 2, 2019

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Eric Hoffman, for the protester.  
Bonnie B. Jagoditz, Esq., Department of the Army, for the agency.  
Mary G. Curcio, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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### DIGEST

Protest that agency unreasonably evaluated protester's quotation as unacceptable is denied where protester failed to provide information required by the solicitation.

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### DECISION

Energy by Native American Design, LLC (ENAD), of Ladoga, Indiana, protests the award of a contract to HSQ Technology, of Hayward, California, under request for quotations (RFQ) No. W912P518T0003, issued by the Department of the Army, Army Corps of Engineers, for a supply contract to replace components of the supervisory control and data acquisition (SCADA) system at four master power plants and five remote power plants. The protester challenges the agency's evaluation of its quotation.<sup>1</sup>

We deny the protest.

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<sup>1</sup> Because ENAD proceeded with its protest pro se, no protective order was issued in this protest. A full version of the agency report was provided to our Office, while a redacted version of the report was furnished to the protester. We have reviewed the entire unredacted record in preparing this decision. Citations to the contracting officer's statement and legal memorandum refer to the redacted version of those documents.

## BACKGROUND

The solicitation, issued on January 11, 2018, provided for the award of a fixed-price supply contract on a best-value tradeoff basis considering price, and the following non-price factors: performance confidence assessment; technical design; cyber security; and small business participation plan. Agency Report (AR), Tab 23, RFQ, at 5, 6, 8-9. The ratings for performance confidence were substantial, satisfactory, limited, none, or unknown. AR, Tab 20 RFQ, amend. 3, at 25. The ratings for the remaining non-price factors were outstanding, good, acceptable, marginal, or unacceptable. Id. A quotation was rated unacceptable if it contained one or more deficiencies. Id. A quotation that was rated unacceptable under any factor was not eligible for award. Id.

Eight vendors submitted quotations. Contracting Officer Statement (COS) at 1. Following the initial evaluation, discussions, and the receipt and evaluation of final quotations, ENAD and HSQ were rated as follows:

	ENAD	HSQ
<b>Performance Confidence Assessment</b>	Unknown	Unknown
<b>Technical Design</b>	Marginal	Good
<b>Cyber Security</b>	Unacceptable	Acceptable
<b>Small Business Participation</b>	Acceptable	Acceptable
<b>Price</b>	\$2,441,302	\$2,518,469

COS at 3; AR, Tab 11, Source Selection Decision Document, at 6. The agency selected HSQ for award and after a debriefing, this protest followed.

## DISCUSSION

ENAD protests that the agency unreasonably evaluated its quotation under the technical design and cyber security factors. Protest at 2-3; Attach. 12, Response to Debriefing. We find that the agency reasonably rated ENAD's quotation unacceptable under the cyber security factor. Since the unacceptable rating makes the quotation ineligible for award, we do not address ENAD's challenge to the evaluation of its quotation under the technical design factor.

With respect to the cyber security factor, the solicitation required vendors to submit all technical design documentation necessary to demonstrate that: the network equipment used for communication between plants is on the Defense Information System Agency's approved products list; the anti-virus software used is approved by the Department of Defense; and the system will use the principle of least privilege for system permissions, file access, user accounts, authentication, and application to application communications. RFQ at 11. At a minimum, the offeror's technical design documentation was required to include a comprehensive descriptive list of network equipment, including cut sheets (specifications), product identification, firmware version,

and a “user list with minimum user accounts for maintenance staff, operations, and administrators, including a list of permissions for system and file access, applications, communications and any other critical system components.” Id. at 11, 12.

The solicitation stated that the agency would evaluate the vendor’s proposed SCADA system that incorporates routers with certain features, including a network interface module (NIM). RFQ amend. 3 at 27. Further, the agency would evaluate whether the vendor proposed a system with a user list with accounts and permissions for maintenance, operator and administrator. Id.

ENAD’s quotation was assigned a deficiency under the cyber security factor because it provided information about the various NIM card models that were compatible with its proposed router, but did not provide the cut sheet for the NIM cards, and did not specify which NIM card it was proposing to utilize in its system. COS at 6; AR, Tab 6, Initial Debriefing, at 3; AR, Tab 10, Discussion Summary Evaluation Report, at 8. ENAD’s quotation was assigned a second deficiency under the cyber security factor because the quotation failed to provide a permissions list. COS at 6; AR, Tab 6, Initial Debriefing, at 3. The agency contends that ENAD’s quotation merited an unacceptable rating under the cyber security subfactor because it failed to satisfy certain minimum requirements. Memorandum of Law at 8.

The evaluation of an offeror’s or vendor’s proposal or quotation is matter within the agency’s discretion. SOURCECORP BPS Inc., B-406792, Aug. 24, 2012, 2012 CPD ¶ 250 at 3. A protester’s disagreement with the agency’s evaluation judgments, without more, does not establish that the evaluation was unreasonable. ThermoAir Spray Booths, B-411358, July 2, 2015, 2015 CPD ¶ 195 at 4. In reviewing a protest against an agency’s evaluation of proposals or quotations, our Office will not reevaluate the proposals or quotations, but instead will examine the record to determine whether the evaluation was reasonable and consistent with the stated evaluation criteria and applicable procurement statutes and regulations. Id. It is a vendor’s obligation to submit an adequately written quotation for the agency to evaluate. See WKG & Assocs., LLC, B-409835, Aug. 26, 2014, 2014 CPD ¶ 250 at 9.

We conclude that the Army reasonably assigned ENAD’s quotation a deficiency for failing to provide a cut sheet for the NIM card. In this regard, the solicitation specifically required vendors to provide a cut sheet for each proposed piece of hardware. RFQ at 11. Instead, ENAD specified a router and provided a website that lists all NIM cards compatible with the router. Protest, Attach. 4, Discussion Letter Response, Exh. C, at 3, 10. ENAD also failed to specify which of the NIM cards it intended to use. See id. While ENAD asserts that the NIM card is just a feature of the router, the fact that it is a feature of the router does not mean it is not a separate piece of hardware that required a cut sheet. In this regard, ENAD acknowledges that the NIM card has its own cut sheet. See Comments at 53 (“There is only one cut sheet for all the T1 NIM cards and the difference between them is just the number of plugs in each card. This feature will undoubtedly be adjusted during the design phase.”). Given that the solicitation required

a cut sheet for each piece of proposed hardware, and ENAD failed to provide the cut sheet for the NIM card, the agency reasonably assigned this deficiency.

ENAD also protests that it was unreasonable for the agency to assign its quotation a deficiency for failing to include a permissions list because the system it proposed possesses and clearly sets forth the capability to set whatever permissions are necessary or applicable based on the customer's needs. Protest at 2; Comments at 49-53. In this regard, according to the protester, best practices in system design would dictate against specifying a user list or its related permissions in a proposal. Protest, Attach. 12, Response to Debriefing, at 8. However, here, the solicitation specifically required vendors to include a list of permissions in their quotations. As noted, the RFQ stated that the system must have a user list with minimum user accounts for maintenance staff, operations, and administrators, including a list of permissions for system and file access. RFQ at 12; RFQ amend. 3 at 27. The RFQ also stated that the agency would evaluate whether the system proposed a user list with accounts and permissions for maintenance, operator, and administrator. Id. Since ENAD failed to adhere to the specific solicitation requirement, the agency reasonably assigned the quotation a deficiency.<sup>2</sup>

Since we find that the agency reasonably assigned the two deficiencies to ENAD's quotation, we also find that the agency reasonably rated the quotation unacceptable under the cyber security factor. Accordingly, the quotation was ineligible for award.

The protest is denied.

Thomas H. Armstrong  
General Counsel

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<sup>2</sup> If ENAD believed it was improper or impossible to provide a list of permissions with its proposal, ENAD was required to protest that apparent defect in the solicitation prior to the May 17 due date for quotations. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1).