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# Decision

**Matter of:** Alaska Structures, Inc.

**File:** B-417466

**Date:** June 7, 2019

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Richard J. Conway, Esq., and Michael J. Montalbano, Esq., Blank Rome LLP, for the protester.

Paul F. Khoury, Esq., Brian G. Walsh, Esq., and Cara L. Lasley, Esq., Wiley Rein LLP, for California Industrial Facilities Resources, Inc. d/b/a CAMSS Shelters, the intervenor. Daniel J. Torano, Esq., and Matthew R. Wilson, Esq., Department of the Army, for the agency.

Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest is denied where the evaluation was consistent with the solicitation and the awardee's quotation demonstrated compliance with the requisite technical specifications.

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## DECISION

Alaska Structures, Inc. (AKS), of Scottsdale, Arizona, protests the award of a contract to California Industrial Facilities Resources, Inc. d/b/a CAMSS Shelters, of Monroe, Washington, under request for quotations (RFQ) No. PANAPG-19-P-0000-009036, issued by the Department of the Army for shelter tents. AKS alleges that the agency unreasonably evaluated the quotations.

We deny the protest.

## BACKGROUND

The RFQ, issued on February 12, 2019, contemplated the award of a fixed-price contract for two tan shelter tents. RFQ at 1. Quotations were to be evaluated on a lowest-price, technically acceptable basis. Id. To be considered technically acceptable, tents were required to meet several specifications. Id. Relevant to the instant protest, each tent was required to have a structure with four end upright poles, and also have 14 insulated windows. Id., Tent Specifications Sheet at 1. Further, the solicitation

specified that the tents must withstand at least 50 deployments, be weather resistant to rain at a rate of 4 inches per hour with 60 miles per hour (MPH) winds, and be capable of being set up in less than 10 minutes by a six-person crew. Id. at 1-2.

Two offerors, AKS and CAMSS, submitted quotations prior to the February 28, 2019 closing date. Combined Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 2. The agency evaluated both vendors' quotations as technically acceptable. Agency Report (AR), Tab 9, Technical Evaluation of AKS; AR, Tab 11, Technical Evaluation of CAMSS. The source selection authority then selected CAMSS' quotation for award based on its lower price of \$26,090. AR, Tab 13, Army Determination of Fair and Reasonable Price at 1. After the agency notified AKS that its quotation was unsuccessful, it filed the instant protest with our Office.

## DISCUSSION

AKS alleges that the agency unreasonably evaluated CAMSS' quotation as technically acceptable because the proposed tents do not meet all of the requisite specifications.<sup>1</sup> Protest at 5. AKS also alleges that the agency conducted an inadequate evaluation because it failed to apply the solicitation's evaluation criteria. Protester's Comments at 6.

In reviewing protests challenging an agency's evaluation of quotations, our Office does not reevaluate quotations or substitute our judgment for that of the agency; rather we review the record to determine whether the agency's judgment was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. TSC Enterprise, LLC, B-415731, Feb. 8, 2018, 2018 CPD ¶ 71 at 2.

Contrary to the protester's allegations, we find that the agency reasonably evaluated CAMSS' quotation as technically acceptable. CAMSS' quotation included a list of specifications showing compliance with the specifications set forth in the solicitation. AR, Tab 7, CAMSS Quotation at 3-4. Indeed, CAMSS' quotation provides that its tents will have a minimum of four end uprights, 14 insulated windows, can be erected in less than 10 minutes by a six-person crew, can withstand at least 50 deployments, and are weather resistant to rain at a rate of four inches per hour with 60 MPH winds. Id. Further, although CAMSS' quotation contains a photograph of its tent's basic structure which does not appear to contain four end uprights, the agency points out that CAMSS did not represent the photograph as the final product or indicate that the tent would be delivered in strict accordance with the photograph as opposed to the listed specifications. COS/MOL at 9. Thus, we think the agency had a reasonable basis to

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<sup>1</sup> Specifically, AKS argues that CAMSS' proposed tents did not satisfy the following requirements: capable of assembly in 10 minutes by a six-person crew; outfitted with 14 insulated windows and four end uprights; able to withstand at least 50 deployments; and capable of preventing intrusion of rain at a rate of four inches per hour with 60 MPH winds. Protester's Comments at 4.

find that CAMSS' tents satisfied the solicitation requirements because CAMSS represented that its tents complied with all of the specifications and the photograph did not definitively contradict that representation. See Spectrum Sys., Inc., B-401130, May 13, 2009, 2009 CPD ¶ 110 at 3 ("an agency may accept a quotation's representation that indicates compliance with the solicitation requirements, where there is no significant countervailing evidence reasonably known to the agency evaluators that should create doubt whether the offeror will or can comply with the requirement"). Moreover, whether CAMSS actually delivers a product compliant with the terms of the solicitation is a matter of contract administration, which is for consideration by the contracting agency, not our Office. Alpha Marine Servs., LLC, B-292511.4, B-292511.5, Mar. 22, 2004, 2004 CPD ¶ 88 at 4. Accordingly, we deny the protest allegation.

We also find that the record does not support the protester's allegation that the agency failed to evaluate quotations consistent with the solicitation's evaluation criteria. The solicitation provided that "Technical acceptability will be based on a proposal that meets all the requirements stated in the Specification Sheet." RFQ at 1. The record shows that the agency applied that criterion because it reviewed both vendors' quotations to determine whether the proposed products complied with the requisite specifications. COS/MOL at 2; AR, Tab 9, Technical Evaluation of AKS; AR, Tab 11, Technical Evaluation of CAMSS. Although AKS argues that the agency should have also reviewed each vendors' product literature, the evaluation criteria did not provide that quotations would be evaluated on that basis. See RFQ at 1; accord Federal Acquisition Regulation § 12.602(b) ("Offers shall be evaluated in accordance with the criteria contained in the solicitation."). Accordingly, we deny this protest allegation because the record shows that the agency's evaluation was performed in accordance with the solicitation's evaluation criteria.<sup>2</sup>

The protest is denied.

Thomas H. Armstrong  
General Counsel

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<sup>2</sup> In a related allegation, AKS argues that the agency unequally evaluated quotations because the agency required its quotation to comply with the requisite specifications but did not require CAMSS' quotation to do the same. Our decisions provide that an agency's evaluation will be considered unreasonable if it engages in unfair or disparate treatment of competing vendors. See, e.g., Red River Computer Co., Inc., B-414183.4 et al., June 2, 2017, 2017 CPD ¶ 157 at 6. Here, as noted above, the record plainly shows that the agency evaluated both quotations based on whether the proposed products satisfied the requisite specifications. See AR, Tab 9, Technical Evaluation of AKS; AR, Tab 11, Technical Evaluation of CAMSS. Accordingly, we deny this protest allegation because the record contains no evidence that the agency evaluated the competing vendors' quotations unequally.