



Decision

Matter of: Eagle Investigative Services, Inc.

File: B-420849

Date: September 23, 2022

Joshua P. Taylor, for the protester.

James Stellabotte, Esq., Department of the Navy, for the agency.

Christopher Alwood, Esq., and Alexander O. Levine, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging agency's evaluation of protester's quotation as unacceptable under performance approach factor is denied where the agency's evaluation was reasonable.
2. Protester is not an interested party to challenge other aspects of the evaluation where its quotation was reasonably evaluated as unacceptable under one factor.

DECISION

Eagle Investigative Services, Inc., a service-disabled veteran-owned small business located in Columbia, South Carolina, protests the award of a contract to Forensic Genealogy Research Services, LLC, of Manvel, Texas, under request for quotations (RFQ) No. N0018922QZ064, issued by the Department of the Navy for professional genealogy services in support of the Navy Personnel Command. Eagle contends that the agency unreasonably evaluated its proposed performance approach as unacceptable. The protester also challenges various other aspects of the agency's evaluation.

We deny the protest.

BACKGROUND

The Navy issued the RFQ on March 7, 2022, under the commercial item procedures of Federal Acquisition Regulation part 12, seeking quotations for professional genealogy services in support of the Navy Personnel Command, Navy Casualty Division, Prisoner of War/Missing in Action Branch, Contracting Officer's Statement and Memorandum of

Law (COS/MOL) at 2; Agency Report (AR), Attach. 3, RFQ at 1, 6.¹ The RFQ contemplated the award of an indefinite-delivery, indefinite-quantity contract with a 5-year ordering period. RFQ at 8, 15. The RFQ provided for award on a best-value tradeoff basis considering three evaluation factors: (1) performance approach; (2) past performance; and (3) price. *Id.* at 23.

As relevant here, the RFQ required quotations to:

provide in detail a performance approach that will successfully accomplish the requirements of the solicitation, including the Performance Work Statement (PWS). The quoter shall detail its approach to performing Phase I and Phase II Genealogy as described in section 4 of the PWS. The quoter should describe the qualifications of it[s] personnel that will be utilized to perform the required Genealogy services. The quoter should provide any other information the quoter considers relevant to the solicitation.

Id. at 73.

If a vendor's quotation received a rating of marginal or unacceptable for the performance approach factor, the RFQ provided that the quotation would be ineligible for award.² *Id.* at 23. The agency defined a rating of unacceptable as a quotation that "does not meet the requirements of the solicitation, and thus, contains one or more deficiencies, and/or [the] risk of unsuccessful performance is unacceptable." AR, Attach. 5, SSET Report at 3.

The Navy received four timely quotations, including one from Eagle. COS/MOL at 3. In evaluating Eagle's performance approach, the agency assessed Eagle's quotation a deficiency for failing to provide a detailed performance approach for successfully accomplishing the requirements of the solicitation. AR, Attach. 5, SSET Report at 4. Based on the assessed deficiency, the agency assigned Eagle's quotation a rating of unacceptable under the performance approach factor. *Id.* The Source Selection Authority (SSA) agreed with the SSET's evaluation, noting that the protester's quotation was "unawardable" because it failed to provide an approach to performing the genealogy services "as described in section 4 of the PWS." AR, Attach. 6, Source Selection Decision Document at 5-6.

¹ The agency amended the solicitation once. All citations to the RFQ in this decision are to the conformed version included in the agency report as attachment 3.

² The RFQ did not include the details of the adjectival rating system for the performance approach factor, however, the record demonstrates that the agency assessed each quotation's performance approach using an adjectival rating of outstanding, good, acceptable, marginal, or unacceptable. AR, Attach. 5, Source Selection Evaluation Team (SSET) Report at 3.

The agency subsequently notified Eagle that it had not been selected for award. AR, Attach. 7, Notice of Award. This protest followed.

DISCUSSION

The protester challenges the Navy's evaluation of its quotation under the performance approach factor. Specifically, Eagle contends the deficiency assessed--that its quotation did not include a detailed performance approach that will successfully accomplish the requirements of the solicitation--was unreasonable.³ Protest at 3-5; Comments at 17-19. According to Eagle, the allegedly missing information was contained in the past performance section of its quotation, which provides a "clear performance approach on how a Genealogy Services Report is performed." Protest at 3-4.

The agency responds that it reasonably evaluated Eagle's performance approach and assigned the deficiency consistent with the requirements of the solicitation. COS/MOL at 10-11. The Navy argues that Eagle's performance approach section of its quotation was "wholly devoid of . . . information relevant to the requirement." *Id.* The agency also argues that the information cited by the protester in Eagle's past performance section did not constitute a performance approach. *Id.* at 9. We agree with the agency.

In reviewing a protest against an agency's evaluation of quotations, we examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. *American Artisan Prods., Inc.*, B-286239, Nov. 29, 2000, 2000 CPD ¶ 198 at 2. It is the agency's role to define both its underlying needs and the best method of accommodating those needs, and it is within the agency's discretion to reject as unacceptable quotations that do not meet the requirements that it defines. *Technatomy Corp.*, B-411583, Sept. 4, 2015, 2015 CPD ¶ 282 at 5. It is a vendor's responsibility to submit a well-written quotation, with adequately detailed information, which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. See *Recogniti, LLP*, B-410658, Jan. 21, 2015, 2015 CPD ¶ 49 at 6.

Here, we have reviewed the evaluation record and find no basis to question the agency's assessments regarding Eagle's proposed performance approach. As noted above, the RFQ required vendors to provide a detailed "performance approach that will successfully accomplish the requirements of the solicitation," as well as the qualifications of the personnel who would perform the services. RFQ at 73. The record demonstrates that the agency considered the information in the performance approach section of Eagle's quotation and concluded that it "provided an inadequate approach to

³ Eagle makes other collateral arguments challenging the agency's evaluation of its performance approach as unacceptable. While we do not address each variation of the protester's arguments here, we have reviewed them all and find the agency's evaluation reasonable and consistent with the terms of the solicitation.

performing the Phase I and Phase II Genealogy [services] as described in section 4 of the PWS." AR, Attach. 5, SSET Report at 4. Specifically, the evaluators found that Eagle did not "specify the research method that they intend to use," include details of how Eagle intends to provide the required deliverables, or describe "the accessible databases used in accomplishing the requirements of the RFQ and PWS." *Id.* The agency concluded that this constituted a deficiency because "there is no forward looking approach detailing how Eagle will perform the required services."⁴ *Id.*

While Eagle argues several aspects of its past performance submission shed light on its performance approach, see Protest at 3-4, it does not point to, nor does our review of the record reveal, any explanation of the research methods Eagle intends to use, Eagle's proposed process for providing deliverables, or detail regarding the databases it intended to utilize. See AR, Attach. 4, Eagle Non-Price Quotation at 2-6. Rather, most of the language relied upon by the protester from the past performance section of its quotation is clearly a description of parts of its performance approach and past performance on what Eagle characterizes as a "very similar" contract.⁵ *Id.* at 5.

Accordingly, we find nothing unreasonable in the agency's conclusion that the information contained in Eagle's quotation did not sufficiently describe its proposed performance approach, nor do we have a basis to question the unacceptable rating Eagle's quotation received under the performance approach factor. AR, Attach. 5, SSET Report at 4. Moreover, because a rating of unacceptable under the performance approach factor rendered a quotation ineligible for award, see RFQ at 23, we see no basis to object to the agency's decision not to further consider Eagle for award. We deny this ground of protest.

Remaining Challenges

Eagle raised additional protest allegations, including a challenge of the agency's evaluation of Eagle's quotation under the past performance factor. See Comments

⁴ Notably, the record shows the agency considered relevant information that was in the quotation, namely, the evaluators credited Eagle for including "an adequate description of the qualifications of [its] personnel that will be utilized to perform the Genealogy services." *Id.*

⁵ Only one paragraph of the past performance section of Eagle's quotation specifically discusses how it intends to perform the Navy's current requirement, and in that instance Eagle only reiterates a portion of its staffing plan. *Id.* at 6. We find that this information fails to address the missing aspects of Eagle's performance approach that caused the agency to assess Eagle a deficiency. Regardless, even if such information had been included in the past performance section, the protester has not demonstrated that the agency was required to piece together general statements and disparate parts of the protester's quotation to determine the protester's intent. See *Federated IT, Inc.*, B-410208, Nov. 18, 2014, 2014 CPD ¶ 353 at 6 n.3. Rather, it was Eagle's responsibility to submit an adequately written performance approach. See *id.*

at 18. We dismiss these remaining allegations because Eagle, having been found ineligible for award, is not an interested party to raise them.

Under our Bid Protest Regulations, a protester must be an interested party, that is, an actual or prospective vendor whose direct economic interest would be affected by the award of a contract. 4 C.F.R. § 21.0(a). A protester is not an interested party if it would not be next in line for award if its protest were sustained. *BANC3, Inc.*, B-416486, B-416486.2, Sept. 10, 2018, 2018 CPD ¶ 316 at 9.

Here, we have found no basis to disagree with the agency's evaluation of Eagle as unacceptable under the performance approach factor. Accordingly, even if we found that Eagle's remaining allegations had merit, Eagle's quotation would still be ineligible for award. We therefore dismiss the remaining allegations.

The protest is denied.

Edda Emmanuelli Perez
General Counsel