



## Decision

**Matter of:** Layan Consultants, LLC

**File:** B-421358.2

**Date:** March 30, 2023

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Moyassar Y. Mohammed, Layan Consultants, LLC, for the protester.  
Amy Fuentes, Esq., Christian Nagel, Esq., Jeremy D. Burkhart, Esq., and Sean Belanger, Esq., Holland & Knight LLP, for Versar, Inc., the intervenor.  
Megan O. Jorns, Esq., Michael Taccino, Esq., and Aimee L. Rippeon, Esq., Department of the Army, Army Corps of Engineers, for the agency.  
Hannah G. Barnes, Esq., and Christina Sklarew, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest challenging the agency's evaluation of its proposal under the quality control factor is denied where the evaluation was reasonable and consistent with the solicitation, and further challenges to the ratings of other factors leave undisturbed the proposal's rating of unacceptable under the quality control factor, disqualifying the protester from receiving award on a lowest-price, technically acceptable (LPTA) basis.

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### DECISION

Layan Consultants, LLC, of Tysons, Virginia, protests the award of a contract to Versar, Inc., of Springfield, Virginia, under request for proposals (RFP) No. W912ER22R0041, issued by the Department of the Army, Army Corps of Engineers, for personnel to monitor construction projects throughout the Kingdom of Saudi Arabia. The protester challenges the agency's evaluation of its proposal, arguing that the Army unreasonably rated its proposal unacceptable under the two non-price evaluation factors.

We deny the protest.

### BACKGROUND

The RFP was issued on August 15, 2022, under Federal Acquisition Regulation (FAR) part 12, acquisition of commercial items, and FAR subpart 13.5, simplified acquisition procedures. Agency Report (AR), encl. 2, RFP at 50. The RFP sought "qualified Saudi Local Nationals (LN), U.S. Citizens, and Other Country National (OCN) personnel to

provide Quality Assurance Representatives (QAR) to monitor construction projects” throughout Saudi Arabia by providing program management, contract administration, project engineering, and quality assurance services. *Id.* at 93. The solicitation provided for award to be made on a lowest-price, technically acceptable (LPTA) basis, considering three factors: quality control, management approach, and price. *Id.* at 128-130.

The solicitation cautioned that “[p]roposals shall completely and adequately address the [solicitation] requirements.” RFP at 126. As relevant here, under the quality control factor, the solicitation required offerors to submit a narrative describing the firm’s capability to perform construction quality control at sites throughout Saudi Arabia and to include sample resumes for QARs. *Id.* at 129. Specifically, the RFP advised offerors to submit a total of six sample resumes for quality assurance representatives, specifying that the resumes were for both LN and OCN junior-level, mid-level, and senior-level QARs.<sup>1</sup> *Id.*

Both the protester and awardee submitted proposals by the October 17 due date. Memorandum of Law (MOL) at 4. On December 23, the agency notified the protester that its proposal had not been selected for award, explaining that Layan’s proposal had been rated unacceptable under both the quality control and management approach factors. Notice of Unsuccessful Offer at 1-2. The protester received a debriefing on January 12, 2023, during which it learned that its proposal was rated unacceptable because, among other things, it submitted sample resumes that failed to meet the specific requirements of the RFP. Debriefing at 1. On January 17, Layan filed this protest with our Office.<sup>2</sup>

## DECISION

The protester argues, among other things, that the sample resumes it provided satisfied the solicitation’s requirements under the quality control factor. Protest at 2. The protester argues that because the solicitation sought various personnel to perform quality assurance work generally, the term “quality assurance representative” should be understood to refer not just to that specific position as detailed in the performance work statement (PWS), but should also include all other positions listed, such as the project

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<sup>1</sup> The RFP provided a detailed description of QAR duties and requirements, as well as a description of expectations for employees at the senior, mid, and junior levels. See RFP at 117-120; 124.

<sup>2</sup> Because the protester is not represented by counsel in this matter, no protective order was issued. Accordingly, our discussion in this decision is necessarily general in nature to avoid reference to nonpublic information. Our conclusions, however, are based on our review of the entire record.

scheduler, program manager, and lead engineer assistant positions, among others.<sup>3</sup> See Protest at 2; RFP at 94-95.

We understand this argument to mean that submitting a resume for any quality control position should have satisfied the requirement for six sample resumes for both LN and OCN junior-level, mid-level, and senior-level QARs. Despite this argument, the protester does not dispute that the resumes it submitted failed to clearly address, in the title block indicating the proposed person's role, that the proposed personnel in these resumes were intended to fulfill the QAR position as required by the solicitation. See Protest at 3-4.

The Army responds that Layan's proposal "is unacceptable on its face" and the protester consequently could not receive award under an LPTA evaluation scheme. MOL at 5. The agency argues that Layan's proposal failed to comply with mandatory submission requirements established by the RFP,<sup>4</sup> and therefore had to be rated unacceptable. Specifically, Layan failed to submit six resumes that complied with the RFP's submission requirements. MOL at 4. In this regard, the agency asserts that only two of the submitted resumes indicated whether the proposed person satisfied the QAR position requirement, and only one resume indicated whether the proposed employee was an LN or OCN, as mandated by the solicitation. Further, the other resumes were identified by titles not clearly related to positions identified in the PWS, such as "CEO," or were for non-QAR positions listed in the PWS. MOL at 4; see AR, Encl. 3, Layan Technical Proposal.

When using simplified acquisition procedures, an agency must conduct the procurement consistent with a concern for fair and equitable competition and must evaluate quotations in accordance with the terms of the solicitation. *DeWitt and Co., Inc.*, B-417194, Mar. 25, 2019, 2019 CPD ¶ 126 at 3. In reviewing protests of an allegedly improper simplified acquisition evaluation, our Office examines the record to determine whether the agency met this standard and exercised its discretion reasonably.

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<sup>3</sup> To the extent that the protester is arguing that the agency did not properly clarify the term "QAR" or the words "quality assurance," the protester did not timely protest any lack of clarity in the RFP's terms. Our Bid Protest Regulations contain strict rules for the timely submission of protests; protests of alleged apparent solicitation improprieties must be filed prior to the closing time for receipt of quotations. See 4 C.F.R. § 21.2(a)(1); *Allied Tech. Group, Inc.*, B-402135, B-402135.2, Jan. 21, 2010, 2010 CPD ¶ 152 at 9 n.10. Since Layan failed to do so, this protest ground is untimely.

<sup>4</sup> While the agency identifies two mandatory submission requirements under the quality control factor that Layan allegedly failed to properly address in its proposal, we discuss only one here and similarly need not consider challenges to the agency's rating of Layan's proposal as unacceptable under the management approach factor. The protester's failure to satisfy the RFP's resume submission requirements leaves undisturbed the proposal's rating of unacceptable under the quality control factor, disqualifying the protester from receiving award on an LPTA basis.

*Wellspring Worldwide, Inc.*, B-417282.2 *et al.*, Dec. 20, 2019, 2020 CPD ¶ 10 at 4. The fact that the protester disagrees with the agency's evaluation, by itself, is not sufficient to sustain the protest. *Academy Leadership, LLC*, B-419705.3, B-419705.4, Apr. 13, 2022, 2022 CPD ¶ 106 at 6-7.

Here, the agency has shown that its evaluation of Layan's proposal under the quality control factor is reasonable and in accordance with the terms of the solicitation. The solicitation placed offerors on notice that proposals were to "completely and adequately address the requirements of [the] solicitation." RFP at 126. The solicitation also plainly required offerors to submit six sample resumes for the QAR positions, to identify the corresponding job title level for those resumes, and to further clarify whether the individuals named in each resume were LNs or OCNs. *Id.* at 129. While the solicitation does refer generally to quality assurance work, the PWS specifically lists a variety of positions, one of which is the QAR position. *Id.* at 117. We find that Layan's assertion that its resumes satisfied the submission requirements reflects a fundamental misunderstanding of the solicitation's submission requirements. The record shows that the protester failed to provide the information the RFP expressly required when Layan submitted six resumes that did not clearly indicate whether they were for the QAR position and failed to include the related job title level and the LN or OCN status for each resume. See MOL at 4. The protester's disagreement with the agency's evaluation, without more, is insufficient to sustain the protest. *Academy Leadership, LLC, supra.*

The protest is denied.

Edda Emmanuelli Perez  
General Counsel