



# Decision

**Matter of:** Sanitz Enterprises, Inc.

**File:** B-423374

**Date:** May 30, 2025

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GAO, participated in the preparation of the decision.

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## DIGEST

Protest challenging the evaluation of the protester's quotation as technically unacceptable is denied where the agency's evaluation was reasonable and consistent with the terms of the solicitation.

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## DECISION

Sanitz Enterprises, Inc., a small business of Fredericksburg, Texas, protests the issuance of a delivery order to Containment Corporation, a small business of Murrieta, California, under request for quotations (RFQ) No. 1742203, issued by the General Services Administration (GSA), Federal Acquisition Service, for steel spill containment berms. The protester argues that the agency unreasonably evaluated its quotation.<sup>1</sup>

We deny the protest.

## BACKGROUND

On February 3, 2025, pursuant to Federal Acquisition Regulation (FAR) subpart 8.4, the agency issued the RFQ to vendors holding GSA multiple award schedule contracts with Special Identification Number (SIN) 332999P, for spill containment units, containment

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<sup>1</sup> This protest is not subject to a GAO protective order because Sanitz opted to proceed without outside counsel. Accordingly, our discussion of some aspects of the record is necessarily general in order to limit references to non-public information. Nonetheless, GAO reviewed the entire record *in camera* in preparing our decision.

pallets, and non-wooden pallets. Agency Report (AR), Tab A1, RFQ at 3. More specifically, the RFQ contemplated the issuance of a single firm-fixed-price delivery order for 22 steel spill containment berms for Joint Base Lewis-McChord in Washington. *Id.* The agency explains that Joint Base Lewis-McChord uses drive-in steel containment systems to prevent hazardous substances from leaking into the environment. Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 1.

The solicitation provided for award on a lowest-priced, technically acceptable basis, considering the following factors: technical and price. RFQ at 26. With regard to the price factor, the solicitation stated that once evaluators determined a quotation to be technically acceptable, the agency would evaluate the quoted price for fairness and reasonableness.<sup>2</sup> *Id.* at 30. Under the technical factor, the RFQ advised that the agency would review vendors' technical packages on a pass/fail basis for the completion of a technical compliance document and for the submission of supporting literature demonstrating that vendors' products "meet all required salient characteristics, specifications, and can deliver at least a portion of the requirement 30 days [a]fter [r]eceipt of [o]rder (ARO) and fulfill the rest by 90 days ARO." *Id.* at 26.

As relevant here, regarding the brand name or equal requirement for vendors to submit a product meeting all required salient characteristics and specifications, the solicitation's required documentation included a technical compliance document for vendors to complete. *Id.* at 30. This attachment asked vendors to either confirm that their product was the brand name item listed in the solicitation--the Containment Corporation TriStar OPS Containment System--or that the product had trilinear sidewalls, fiberglass coating, and the ability to "relocate [the] filtration system on all four corners of the containment system." *Id.* Finally, the solicitation incorporated the full text of a FAR provision concerning "descriptive literature," defined as "information furnished by a bidder, such as cuts, illustrations, drawings, and brochures, that shows a product's characteristics or construction or explains its operation." *Id.* at 25; see FAR provision 52.214-21. The solicitation cautioned that if "the descriptive literature fails to show that the product offered conforms to the requirements of the solicitation, the Government will reject the bid." RFQ at 25; see FAR provision 52.214-21.

Two vendors, Sanitz and Containment Corporation, submitted quotations by the February 18 closing date for receipt of quotations.<sup>3</sup> COS/MOL at 1. Containment Corporation's quoted price was \$807,000, and Sanitz's quoted price was \$659,999. *Id.* at 4. Under the technical evaluation, the agency assigned a failing rating to Sanitz's

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<sup>2</sup> The solicitation advised that, while past performance was not a "formal evaluation factor," the agency would review certain responsibility reports within the System for Award Management and reserved the right to review Contractor Performance Assessment Reporting System records. RFQ at 26.

<sup>3</sup> The RFQ was amended once; as amended, the RFQ established February 18 as the due date for receipt of quotations. AR, Tab A3, RFQ amend. 1 at 3.

technical quotation based on its lack of sufficient supporting literature and its failure to provide a brand name or equal item.<sup>4</sup> *Id.* at 3. Sanitz did not quote the brand name containment system and instead quoted an “equal” product purporting to meet the technical requirements of the solicitation. With regard to Sanitz’s failing rating, the agency documented its finding that Sanitz completed the technical compliance document--indicating that the equipment offered met the solicitation’s required salient characteristics--but “did not provide supporting literature demonstrating that their products meet all required salient characteristics and specifications.” AR, Tab E2, Award Decision Document at 4. As relevant here, because the agency found that Sanitz’s technical compliance document conflicted with its supporting literature, the agency emailed Sanitz on February 18, prior to award, with the opportunity to submit any clarifications necessary to support its completed technical compliance document by close of business on February 19. AR, Tab F8, Email to Sanitz for More Technical Information at 1. Specifically, the agency sent the email to the contact listed in Sanitz’s quotation and requested further information regarding Sanitz’s product and its compliance with the solicitation’s “or equal” requirements for trilinear sidewalls, fiberglass coating, and a movable filtration system. *Id.* Sanitz did not respond to this email.<sup>5</sup>

The agency evaluated and assigned a passing rating to Containment Corporation’s technical quotation under all factors; noted that the vendor could deliver all 22 containment berms within 30 days after receipt of the order; and further found the price to be fair and reasonable. COS/MOL at 3-4. On March 5, the agency posted a notice of its award to Containment Corporation on the GSA eBuy website. *Id.* at 4. On March 7, this protest followed.

## DISCUSSION

The protester argues that the agency unreasonably assigned its quotation a failing rating and asserts that the containment product it offered met all required technical specifications. Protest at 1. In support of this argument, Sanitz contends that its submission materials included the completed technical compliance document, which confirmed that its product included the three salient characteristics required for a brand name or equal item: (1) trilinear sidewalls, (2) fiberglass coating, and (3) a filtration system capable of being relocated to all four corners of the containment system. Comments at 2; AR, Tab B4, Sanitz Technical Compliance Document at 1. The protester also argues the agency should not have considered communications between the agency and the customer for the procurement, Joint Base Lewis-McChord, in evaluating the firm’s quotation. In this context, the protester asserts the customer

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<sup>4</sup> The agency’s evaluators also noted that Sanitz could deliver 6 of the 22 containment berms within 30 days after receipt of the order and would provide the remaining items within 90 days. COS/MOL at 3.

<sup>5</sup> Sanitz asserts that this email was sent to an employee who was out of the office. Protest at 1.

improperly raised concerns about the technical specifications of Sanitz's offered containment system based upon an image illustrating that containment system in Sanitz's quotation. Comments at 3. Ultimately, the protester argues that the agency should not have allowed its reservations concerning Sanitz's product based on the vendor's supporting literature to influence its evaluation of the protester's quotation, given that Sanitz expressly stated its product met the solicitation's technical specifications in the submitted technical compliance document. *Id.* at 3-4.

The agency responds that Sanitz was responsible for providing all the information required by the solicitation and argues that Sanitz failed to provide sufficient technical information for the agency to determine that its containment system had the three characteristics required of an "equal" item. COS/MOL at 4. GSA notes that, as a courtesy, it gave the protester an opportunity to clarify the technical specifications of its product on February 18, and the protester did not respond. *Id.* Subsequently, on February 20, the agency sent the technical quotations of both vendors to the customer, Joint Base Lewis-McChord, for review. *Id.* at 5.

The customer reviewed Sanitz's technical documentation and stated that the image in the supporting literature provided "is just a computer drawing, not an actual containment system in use in a military environment." AR, Tab F5, Technical Review Emails at 11; see AR, Tab B6, Sanitz Technical Specifications. The customer also explained that the image made it difficult to determine whether the filtration system could be moved to different corners of the containment berm, and whether the container sidewall included a rubber insert rather than the required trilinear sidewall.<sup>6</sup> AR, Tab F5, Technical Review Emails at 11. In sum, the agency argues that its evaluation of Sanitz's technical documentation, including its communications with Joint Base Lewis-McChord, called into question the compliance of the protester's product with the three salient characteristics required by the solicitation. As a result, the agency asserts that it properly determined that Sanitz's quotation did not meet the RFQ's requirements.

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. A protester's disagreement with the agency's judgment does not establish that an evaluation was unreasonable. *Logmet LLC*, B-420941, B-420941.2, Nov. 9, 2022, 2022 CPD ¶ 300 at 4. Further, it is a vendor's responsibility to submit an adequately written quotation that establishes its

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<sup>6</sup> Specifically, regarding the filter, the email stated that the "photo and specs show that the filter system is in a channel at one end of the berm," adding that the movable filter requirement is "crucial [] as our motor pool is not level, and we have to have the ability to adjust the filter system to different corners now and in the future." AR, Tab F5, Technical Review Emails at 11. Regarding the trilinear sidewall requirement, the email stated that "the yellow insert on the side does not equal a solid steel trilinear sidewall, it looks like a rubber insert." *Id.*

technical capability and the merits of its proposed approach and allows for meaningful review by the procuring agency in accordance with the evaluation terms of the solicitation. *Deloitte Consulting, LLP*, B-416882.4, Jan. 6, 2020, 2020 CPD ¶ 21 at 6. A vendor risks having its quotation evaluated unfavorably where it fails to submit an adequately written quotation. *Logmet LLC, supra*.

We have considered the record and all of the protester's arguments, including those that are in addition to, or variations of, those discussed here, and find no basis to sustain the protest. We disagree with the protester's argument that its quotation clearly addressed the solicitation's technical specifications. The record shows that the solicitation required "equal" containment systems to include certain characteristics: trilinear sidewalls, fiberglass coating, and a filtration system capable of being moved to any of the containment system's four corners. RFQ at 26, 30. The record also shows that both GSA and the customer of the procurement at issue, upon review of the graphic Sanitz provided, could not determine with certainty that the offered product met these three technical specifications. For example, the page in the protester's quotation with the graphic illustrating the containment system described it as having "upgraded coating." AR, Tab B6, Sanitz Technical Specifications at 1. We note the agency's contemporaneous statement that Sanitz did not respond to the February 18 email to verify if this "upgraded coating" was a fiberglass coating, as required by the solicitation. AR, Tab E2, Award Decision Document at 8. We also note the customer's concern that the graphic depicting Sanitz's containment system was a computer drawing and "not an actual containment system in use in a military environment," and raised questions about whether the system had compliant sidewalls and a movable filter, as required by the solicitation. AR, Tab F5, Technical Review Emails at 11.

While Sanitz argues that any questions the agency had regarding its product's compliance with the solicitation should have been resolved by the technical compliance document it completed, we disagree. Comments at 3-4. Sanitz's completed technical compliance document "checked the boxes" for all three salient characteristics required by the solicitation. However, the record shows that the ambiguous nature of the image Sanitz provided in its quotation called into question the protester's ability to comply with the solicitation's "equal" product technical specifications. AR, Tab E2, Award Decision Document at 7. Specifically, we note the agency's finding that the literature the protester provided "did not fully support that the product they are offering meets all of the three salient characteristics required to meet the needs of the [c]ustomer." *Id.* We also note the RFQ provided for reviewing submitted supporting literature on a pass/fail basis and further put vendors on notice that if "the descriptive literature fails to show that the product offered conforms to the requirements of the solicitation, the Government will reject the bid." RFQ at 25-26.

As a result, we agree that the agency reasonably determined that the protester's quotation did not clearly demonstrate conformance with the solicitation's technical requirements. To the extent the protester disagrees, it was Sanitz's responsibility to submit an adequately written quotation establishing its technical capability. *See Deloitte*

*Consulting, LLP, supra.* The protester's disagreement with GSA's judgment does not establish that the agency's judgment was unreasonable.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel