U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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Comptroller General
of the United States

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Decision

Matter of: RAS Enterprises, LLC

File: B-424449.2

Date: October 23, 2026

Rebecca Pearson, Esq., Alexander Gorelik, Esq., and Kelly A. Carlson, Esq., Taft Stettinius & Hollister LLP, for the protester.
Jared M. Levin, Esq., Department of Veterans Affairs, for the agency.
Raymond Richards, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest challenging solicitation requirement for a contractor-offered website as unduly restrictive of competition is denied where the agency has reasonably established that the requirement is necessary to meet its needs.

2. Protest arguing that solicitation should have been set aside for service-disabled veteran-owned small businesses (SDVOSB) is denied where the agency reasonably concluded from its market research that would not receive quotations from two or more capable SDVOSB concerns at fair and reasonable prices.

3. Protest challenging the terms of the solicitation as ambiguous is denied where the challenged terms are clear and unambiguous.

DECISION

RAS Enterprises, LLC, an SDVOSB of Gulfport, Mississippi, challenges the terms of request for quotations (RFQ) No. 36C77626Q0016, issued by the Department of Veterans Affairs (VA) for the provision of medical gases in the Veteran Integrated Service Network (VISN) 16 geographic area. The protester challenges the issuance of the RFQ on an unrestricted basis and contends that its terms are unduly restrictive of competition and ambiguous.

We deny the protest.

BACKGROUND

The agency issued the RFQ (RFQ 0016) on March 20, 2026, on an unrestricted basis, under the procedures of Revolutionary Federal Acquisition Regulation Overhaul (RFO) part 12, seeking to award a fixed-price, indefinite-delivery, indefinite-quantity contract, on a lowest-price, technically acceptable (LPTA) basis. Protest, exh. A, RFQ at 1, 31, 51, 54, 56; Contracting Officer's Statement (COS) at 1. The RFQ seeks proposals for the provision of medical gases at an estimated eight VA medical facilities within the VISN 16 geographic area. RFQ at 9. The prospective contractor will be responsible for providing, filling, transporting, handling, servicing, maintaining, delivering, picking up, and storing medical gases and cylinders for all facilities. *Id.* The RFQ also requires the contractor to offer a website that allows VA staff to perform functions like placing orders, viewing delivery tickets, and accessing invoices. *Id.*; Protest, exh. B, RFQ amend. 0003 at 2.

Prior to issuing RFQ 0016, the agency conducted market research, which included industry outreach, issuance of a request for information (RFI), prior procurement history, and a survey of relevant pricing data. The VA's industry outreach began in June of 2024 with market research meetings involving "two major medical gas manufacturers and suppliers[,]" Airgas and Linde Gas and Equipment (Linde). AR, Tab 3, Market Research Report at 12. Topics of discussion included medical gas manufacturing and current capabilities, and services available within the medical gas industry. *Id.*

On October 2, 2024, the VA issued an RFI on the governmentwide point of entry (GPE).[1] *Id.* at 4, 12. The RFI listed the VA facilities requiring medical gas services, the medical gases required, and a list of questions intended to help the agency determine industry capabilities. *Id.* at 12. The VA received multiple responses to the RFI, three of which were from service-disabled veteran-owned small businesses (SDVOSB) concerns. *Id.* at 4, 12-14 (showing responses from three SDVOSBs and two from large businesses).

On March 11, 2025, the VA issued solicitation No. 36C77625Q0028 (RFQ 0028) under the procedures of Federal Acquisition Regulation (FAR) parts 12 and 13 for the provision of medical gases in the VISN 16 region. *Id.* at 4; Protest, exh. C, RFQ 0028 at 1. Based on the results of the RFI, the VA expected that two or more SDVOSBs would submit quotations and that award could be made at a fair and reasonable price. Memorandum of Law (MOL) at 2. Thus, RFQ 0028 included a tiered evaluation scheme prioritizing SDVOSBs.[2] *Id.* Prior to the due date set for receipt of quotations, the VA

[1] Notice of the RFI was emailed to all veteran-owned small businesses (VOSB) and SDVOSBs identified in the Small Business Administration's (SBA) Veteran Small Business Certification (VetCert) web portal. AR, Tab 19, Market Research Attach. 22.

[2] We note that while the record in some places refers to RFQ 0028 as an SDVOSB set-aside, RFQ 0028 was issued as being open to all business sizes and

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received an inquiry from a fourth SDVOSB concern requesting an extension of time to submit a quotation, which the VA granted. AR, Tab 3, Market Research Report at 4. The agency received three quotations; one from RAS, an SDVOSB, and the other two from Linde and Airgas, both large businesses. *Id.* Following a protest filed with our Office and voluntary corrective action, the agency canceled RFQ 0028 on May 26, 2025. *Id.* at 5.

Following the cancelation of RFQ 0028, the VA updated its market research for the issuance of a new solicitation for a medical gas provider in the VISN 16 region. COS at 2. This included consideration of the quotations received in response to RFQ 0028. AR, Tab 3, Market Research Report at 3-4; AR, Tab 7, Market Research Report Attach. 14, at 2.

Based on the updated market research, which included that only one SDVOSB submitted a quotation in response to RFQ 0028 at a quoted price that the agency determined was not fair and reasonable, the contracting officer concluded there was not a reasonable basis to expect that two or more SDVOSBs would submit quotations for the VISN 16 medical gas requirement at a fair and reasonable price. AR, Tab 7, Market Research Report Attach. 14 at 2-3 ("In light of the responses received on RFQ [0028], the rule of two determination is being revised"); AR, Tab 3, Market Research Report at 5. The VA then submitted a request to the Small Business Administration (SBA) to issue its next solicitation, RFQ No. 36C77625Q0229 (RFQ 0229), on an unrestricted basis, which was approved. AR, Tab 3, Market Research Report at 5; *see* AR, Tab 8, VA Form 2268.

On June 6, the VA issued RFQ 0229 for the provision of medical gases in the VISN 16 region on an unrestricted basis. AR, Tab 3, Market Research Report at 5. The VA received quotations from three firms: RAS, Airgas, and Linde. *Id.* at 6. As with RFQ 0028, RFQ 0229 was canceled following a protest filed with our Office arguing, among other things, that the solicitation should be set aside for SDVOSB concerns and the agency subsequently taking corrective action again in response to the protest. COS at 1.

Following the cancelation of RFQ 0229, the VA conducted additional market research.[3] AR, Tab 3, Market Research Report at 15-18. Relevant here, the VA reviewed the pricing data for medical gases it had obtained in response to RFQ Nos. 0028 and 0229, as well as pricing data for commercially available medical gases in the VISN 16 region. *Id.* at 17. The updated pricing data showed that the prices RAS quoted in its responses

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socioeconomic categories, but included a tiered scheme giving first preference for contract award to SDVOSB concerns. Protest, exh. C, RFQ 0028 at 1.

[3] The protester disputes whether additional research was conducted. Comments at 13 (referencing AR, Tab 16, Memorandum for Record at 1). Based on our review, the record demonstrates that the agency did in fact consider new information following the cancelation of RFQ 0229; namely, RAS's quotation submitted in response to RFQ 0229.

to RFQ Nos. 0028 and 0229 were approximately [DELETED] percent higher than commercially available market prices in the VISN 16 region and 27 percent higher than the VA's independent government cost estimate. *Id.*; MOL at 4. The VA also reviewed pricing data submitted by RAS for a different VA medical gas requirement, which demonstrated that RAS's prices for that requirement were between [DELETED] percent and [DELETED] percent higher than commercially available market prices. AR, Tab 3, Market Research Report at 17. The agency concluded that based on its market research, there was not a reasonable expectation that two or more small business concerns would submit quotations, or that an award could be made to RAS, the only interested SDVOSB, at a fair and reasonable price. *Id.* at 17-18 (citing RFO 19.106-2(b)).

As discussed above, the agency issued the instant RFQ on an unrestricted basis under the procedures of RFO part 12. Three amendments were issued and the final proposal submission deadline was set as July 23. AR, Tab 24, Contracting Officer's Declaration at 1. On July 17, RAS filed the instant protest with our Office.

DISCUSSION

RAS challenges the RFQ's requirement for a contractor-provided website as unduly restrictive and attacks the validity of the VA's market research to argue that the procurement should be set aside for SDVOSB concerns. RAS also asserts that the RFQ contains ambiguous language as to how certain requirements will be evaluated. We have reviewed these challenges and find no basis to sustain the protest.[4]

Below, we first address the VA's requirement for a contractor-provided website and conclude that the requirement is not unduly restrictive. Next, we address the validity of the market research and find no basis to sustain RAS's challenges. Finally, we address the challenged RFQ language and conclude that it is unambiguous.

Contractor-Provided Website Requirement

As discussed above, the RFQ establishes a primary requirement for the provision of medical gases. RFQ at 9 (statement of work (SOW)). However, the RFQ also establishes a requirement for a contractor-provided website to facilitate things like placing orders, viewing delivery tickets, and accessing invoices. *Id.* Specifically, the RFQ requires the following:

> Contractor shall provide the VA access to their website, which will enable staff to perform the following functions: place orders, view Proof of Delivery (POD)/delivery tickets, access cylinder audit results/forms, access current/past cylinder balances, view current and past cylinder rental summaries, view backorder notifications, and access paid/unpaid

[4] RAS raises other collateral arguments. While our decision does not address every argument raised, we have reviewed them all and find no basis to sustain the protest.

> invoices. The website shall be accessible via the internet. It shall not interface with any VA information systems. The Contractor is permitted to utilize commercial off-the-shelf [(COTS)] products, such as Microsoft SharePoint, Microsoft Power Apps, and/or Microsoft Teams, or other similar commercially available products to provide the needed functionalities. The Contractor shall provide initial setup, training, and ongoing technical support to VA staff to ensure full functionality and usability of their website or [COTS] product.

Protest, exh. B, RFQ amend. 0003 at 2 (SOW section 1.2).

RAS challenges the RFQ's website requirement. According to the protester, the RFQ unreasonably "transforms what is fundamentally a procurement for the supply of medical gases into a procurement for a sophisticated software solution." Protest at 18. RAS paints the website requirement as unduly burdensome on the SDVOSB community because "it compels offerors to develop, maintain, and demonstrate substantial capabilities" and that the website requirement "favors firms that already possess a mature software platform while placing otherwise qualified medical gas suppliers at a competitive disadvantage[.]"[5] *Id.* at 20; *see also* Comments at 24-25.

The VA defends its solicitation. According to the VA, the website requirement reflects ordinary commercial practice by which medical gases are ordered, delivered, tracked, and audited throughout the medical gas industry. MOL at 16. The agency argues that its website requirement is necessary to meet its legitimate needs given prevailing practices in the medical gas industry, and that RAS's complaint about the website requirement represents disagreement with the agency's legitimate requirement. *Id.* at 17-19.

Relevant here, the contracting officer states that all requirements included in RFQ 0016 "are commercially available and industry standard in the commercial medical gas

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[5] RAS also objects to what it refers to as the agency's "preference for Microsoft solutions" contained within the website requirement. Protest at 21-22; Comments at 28; *see* RFQ amend. 0003 at 2 ("Contractor is permitted to utilize commercial off-the-shelf [(COTS)] products, such as Microsoft SharePoint, Microsoft Power Apps, and/or Microsoft Teams, or other similar commercially available products"). RAS argues that the RFQ's references to Microsoft products unduly restrict competition. Comments at 28. We disagree. The plain terms of the RFQ do not restrict competition to Microsoft products where it plainly states that "[t]he examples of Microsoft COTS products provided in this answer do not restrict the contractor from using only these specific products; the contractor may use any other COTS product, website, or other commercially available method that meets the solicitation's requirements." RFQ amend. 0003 at 2. Nor does the RFQ identify any sort of preference for Microsoft products where the evaluation criteria state that the agency will evaluate technical quotations to determine whether they meet the minimum technical requirements of the solicitation. RFQ at 69.

marketplace." COS at 4. The contracting officer further states that the functionality sought from the website is "necessary and industry standard[.]" *Id.* at 5.

Furthermore, the contracting officer and the VA's program manager (PM) each explain that RAS is the incumbent contractor and the incumbent contract requires the same capabilities as the capabilities listed under RFQ 0016's website requirement. *Id.*; AR, Tab 2, Decl. of PM at 1. The PM declares that the "only difference between what is already required in [the] current medical gas contract with RAS and in [RFQ 0016] is the way information is shared." AR, Tab 2, Decl. of PM at 1. The PM explains that currently, RAS "takes all gas orders and shares all documents/data with our facilities through emails or fax" and explains that going forward, the VA requires such information to be shared through a website or COTS product. *Id.* The contracting officer states that the incumbent system of placing orders "through email and fax and having all other contract information disbursed only through email and fax is an extremely inefficient method for a medical gas contract." COS at 7.

The VA's contemporaneous market research report echoes this assessment. In this regard, the market research report explains that to complete a medical gas order under the incumbent contract, the VA's ordering officer must complete a form and either email or fax the form to RAS. AR, Tab 3, Market Research Report at 1. The market research report explains that RAS enters the information from the form into its subcontractor's website, and the subcontractor processes, fills, and delivers the order. *Id.* The market research report describes difficulties with the incumbent ordering system in cases of emergency orders, and describes the incumbent process as obsolete, overly burdensome, and inefficient. *Id.* at 1-2. The market research report also states that "the amount of time, administratively and otherwise, wasted by using an inefficient and obsolete method of ordering medical gases is immeasurable and unsustainable[.]" *Id.* at 2. The report concludes that "[p]lacing medical gas orders via a website or something similar will reduce the administrative burden of placing orders for the VA and having all of the information associated with the medical gas transactions in one centralized location will greatly increase the VA's ability to track spending and account for medical gas cylinders at each facility at any given time." *Id.*

RAS maintains its objection to the website requirement. RAS describes the website requirement as an unnecessary 19-capability platform, and argues that the record does not include any kind of study or analysis demonstrating such a requirement is necessary to meet the VA's minimum needs. Comments at 25. According to RAS, the market research report "acknowledges that alternative approaches have successfully supported predecessor contract performance[,]" but never explains why the website requirement is necessary in light of such alternative approaches. *Id.* At bottom, RAS argues that the website requirement was developed based on the capabilities of large medical gas providers, and that including the website requirement in the RFQ unreasonably favors large businesses at the expense of SDVOSBs. *Id.* at 26.

When a protester challenges a specification or requirement as unduly restrictive of competition, the procuring agency has the responsibility of establishing that the

specification or requirement is reasonably necessary to meet the agency's needs. *eReceivables, Inc.*, B-416773, Dec. 12, 2018, at 5; *Remote Diagnostic Techs., LLC*, B-413375.4, B-413375.5, Feb. 28, 2017, at 3-4. Where an agency reasonably identifies its needs and allows vendors the opportunity to meet those needs, the fact that a solicitation's requirements may be burdensome or even impossible for a particular vendor to meet does not make them objectionable, if the requirements properly reflect the agency's needs. *See TransAtlantic Lines, LLC*, B-411846.2, Dec. 16, 2015, at 9. The determination of an agency's minimum needs and the best method of accommodating them is primarily within the contracting agency's discretion, and we will not question such a determination unless it has no reasonable basis. *American Int'l Movers, Inc.*, B-419756, July 20, 2021, at 4.

Here, we conclude that the VA has established the website requirement as reasonably necessary to meet its needs. The VA has reasonably explained how the website requirement reflects an industry standard practice, and also how the functionalities sought by the requested website are necessary for the performance of the medical gas contract. In this regard, the VA has explained how the incumbent method of ordering medical gases in VISN 16 is "extremely inefficient" and has shown possible problems arising from the incumbent system during emergency medical gas orders. *See* COS at 7; AR, Tab 3, Market Research Report at 1. The agency has further explained that a website or something similar would reduce the administrative burden of placing and tracking orders and would increase the agency's ability to track spending and account for medical gas cylinders at each facility at any given time. AR, Tab 3, Market Research Report at 1. Given these goals, the contracting officer has exercised reasonable discretion in establishing the website requirement as necessary to meet the VA's VISN 16 medical gas requirement. The website requirement is not unduly restrictive of competition or otherwise unreasonable. This protest ground is denied.[6]

[6] For the record, the agency notes that RAS responded to a different VA medical gas requirement and offered a [DELETED] website with functionalities mirroring the functionalities requested in the RFQ 0016 website requirement. *Compare* RFQ Amend 0003 at 2 (listing RFQ 0016 website functionalities), *with* VA Additional Briefing, exh. 23, RAS Offer at 9-11 (offering a website to perform tasks like online ordering, viewing delivery tickets, and accessing invoices). RAS responds that its offer submitted for the other medical gas requirement was designed to satisfy materially different requirements for timing and performance. *See* Resp. to VA Additional Briefing at 9-10. We need not determine whether RAS's response to a different requirement demonstrates that it is capable of meeting the requirements of RFQ 0016 because we find the agency has reasonably explained why the website requirement is necessary to meet its needs, but we note that RAS has apparently found some way to utilize [DELETED] to deliver at least similar capabilities despite its vehement protestations about use of that product in the instant procurement.

Set-Aside Determination

RAS protests that the solicitation should be set aside for SDVOSBs, rather than issued on an unrestricted basis. Protest at 13-18; Comments at 13-29. RAS raises multiple challenges to support this position, but its main argument is that the market research supporting the agency's decision is flawed. *See* Comments at 13-24.

RAS attacks the validity of the market research in two primary ways. First, RAS argues that the website requirement was developed based on capabilities demonstrated only by large businesses; thus, according to the protester, the VA cannot credibly cite the absence of small-business participation as support for issuing the RFQ on an unrestricted basis. *Id.* at 18-20. Second, RAS argues that the market research is outdated based on the following events: the April 2026 consumer price index (CPI) demonstrated accelerating inflation; RAS's prior protest alleging various defects with the agency's assumptions; the agency's decision to take corrective action in response to RAS's prior protest; and the various iterations of, and amendments to, the RFQ, which show the agency moving from a tiered evaluation favoring SDVOSBs to an unrestricted competition. *Id.* at 13-16. As discussed below, we deny this protest ground.

The VA is required by statute to set aside all acquisitions for SDVOSB or VOSB concerns where the agency's market research leads it to conclude that there is a reasonable expectation that two or more such concerns are likely to submit offers, and that award can be made at a fair and reasonable price. 38 U.S.C. § 8127(d). The determination of whether there is a reasonable expectation of receiving offers from two or more such concerns that are capable of performing the required work is a matter of informed business judgment within the contracting officer's discretion that we will not disturb absent a showing that it was unreasonable. *Tech62, Inc.*, B-420883, B-420883.2, Oct. 3, 2022, at 4-5.

While the requirements of 38 U.S.C. § 8127(d) do not dictate the use of any particular methodology in assessing the availability of potential SDVOSB concerns, our Office has explained that the assessment must be based on sufficient evidence to establish its reasonableness. *HurtVet Subcontracting, LLC*, B-419139, Dec. 2, 2020, at 2-3. Measures such as prior procurement history, market surveys that include responses to sources sought announcements, and recommendations of appropriate small business specialists may all provide a reasonable basis for a decision to set aside, or not set aside, a requirement for SDVOSBs. *AeroSage LLC*, B-414314, B-414314.2, May 5, 2017, at 6.

Here, we conclude that the contracting officer exercised reasonable business judgment in deciding to issue RFQ 0016 on an unrestricted basis. First, we reject the protester's assertion that the VA's market research is flawed because it reflects a large business capability (provision of a website) that would not attract interest from SDVOSB concerns. *See* Comments at 3 ("Having defined its requirements around capabilities associated with only large businesses, the Agency then relied on the absence of evidence that SDVOSBs already possessed identical capabilities as support for

abandoning SDVOSB preferences."), 9-10 (alleging that the solicitation targets large business capabilities based on the capabilities of Airgas and Linde), 18-19 (same). As discussed above, the agency has reasonably explained that it has a need for an industry-standard system to do things like order medical gases, view delivery tickets, and access invoices, and has sufficiently established that standard industry practice is to use a website to perform such functions. COS at 4-8.

Other than mentioning its own alternative approach that includes emailing and faxing order forms, the protester does not demonstrate that facilitating medical gas services through an online website is something only large businesses could achieve. Rather, RAS generally objects to the requirement because it restricts RAS's ability to "compete effectively" and complains that the VA failed to ask small businesses about their capabilities to offer a website with the required functionality. *See* Comments at 17-18. We find RAS's position unavailing. The VA has established that the website requirement is based on standard industry practice and not simply a capability within the exclusive province of large businesses. Moreover, the agency has reasonably explained why this requirement meets its minimum needs and the advantages of having such a solution. Therefore, we reject this challenge to the validity of the market research.

Second, we reject RAS's contention that the market research is outdated and that the agency must conduct new market research. Simply put, none of RAS's cited events demonstrate that the market research is outdated or otherwise invalid.

The cited CPI report was just over two months old when RFQ amendment 0003, the current iteration of the RFQ, was issued. The protester has not provided any reasonable support for the idea that a months-old CPI report discussing general inflationary forces could somehow invalidate market research conducted for the specific requirement at hand. We recognize that the CPI report indicates inflationary forces in the marketplace, but we fail to see--and RAS otherwise provides no explanation--how the agency would be required to perform new market research based on the CPI report for the purpose of determining if this procurement should be set aside for SDVOSBs. *See Sea Box, Inc.*, B-424332, June 15, 2026 (addressing FAR-prescribed market research requirements which state that a contracting officer may use market research conducted within 18 months before the award of any order so long as the information is still current, accurate, and relevant).

The remaining cited events represent a recitation of the procurement history and not the kind of factors that would render market research obsolete or invalid, such as an admitted error or changes in the law that would affect the procurement. *See e.g.*, *Knudsen Sys., Inc.*, B-422433.2, Aug. 9, 2024, at 6-8 (market research tainted by an admitted error); *Chronos Sols. LLC*, *et al.*, B-417870.2 *et al.*, Oct. 1, 2020, at 9-10 (market research unreasonably failed to consider significant changes in the law and other circumstances involving the COVID-19 pandemic directly applicable to the relevant agency program). Indeed, the fact that RAS protested previous solicitations for this requirement or the agency took corrective action in response to prior protests does

not demonstrate that the market research report is somehow outdated. If it did, agencies would have to update their market research any time a company filed a protest challenging that research, regardless of the merits of the protest.[7]

Therefore, on this record, we find no basis to conclude that the agency's market research is obsolete or invalid. As discussed above, despite the VA's outreach to the VOSB and SDVOSB community *via* the RFI and the VetCert email notification, the actual results for this exact requirement have repeatedly shown RAS as the only interested SDVOSB concern and the only SDVOSB that actually submitted a quotation in response to the two prior RFQs.[8] The record thus supports that the agency reasonably relied on responses to the RFI and prior procurement history to conclude that there was not a reasonable expectation of receiving quotations from two or more SDVOSB concerns for this procurement. AR, Tab 3, Market Research Report at 17-18. This protest ground is denied.

Alleged Solicitation Ambiguity

RAS also protests the terms of the RFQ as ambiguous. Protest at 22-25; Comments at 48-52. In particular, RAS takes issue with the way certain SOW requirements are to be evaluated. Below, we provide a short explanation of the relevant solicitation language before addressing this protest ground.

As noted above, the RFQ contemplates making award on an LPTA basis considering a technical factor and a price factor. RFQ at 68. The technical factor includes six subfactors. *Id.* at 69.

The RFQ instructs offerors that quotations must be "clear, concise, and include sufficient detail to substantiate compliance with the [SOW]." RFQ at 51. Under the technical submission requirements, the RFQ states that quotations "shall address the Technical Factor and Subfactors[.]" *Id.* at 52. The RFQ further instructs that quotations "must meet all requirements of the SOW and submit evidence specified for each subfactor." *Id.* The RFQ warns that a quotation will be considered technically acceptable only if it demonstrates compliance with every "[t]echnical [f]actor" and all material requirements of the SOW. *Id.* at 54.

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[7] Moreover, as described above, the agency updated its market research after issuing each iteration of the solicitations for this requirement.

[8] As discussed above, the agency also concluded that RAS was unlikely to submit a quotation at a fair and reasonable price. AR, Tab 3, Market Research Report at 17-18. Thus, the record demonstrates that neither prong of the rule is met here. 38 U.S.C. § 8127(d) (requiring a set-aside where there is a reasonable expectation that two or more small business concerns are likely to submit offers, and that award can be made at a fair and reasonable price).

Under the contemplated evaluation, the RFQ establishes two factors, price and technical. RFQ at 68. Under the technical factor, the RFQ states that quotations must include all required information from the instructions section, and that the evaluation will consider whether the quotation demonstrates the vendor can fully and satisfactorily meet all requirements of the SOW and the specific technical elements identified in the solicitation. *Id.* at 69. The RFQ then states that the six subfactors will be evaluated and lists relevant sections of the SOW for each subfactor. *Id.* For example, technical subfactor 1 is titled "Contractor Website or COTS Capability" and references SOW section 1.2, while technical subfactor 2 is titled "Licensing, Permits/Registrations, and Reseller Authorizations" and references SOW section 2. Not every section of the SOW is included under the technical subfactors; the listed SOW sections relevant to the subfactors are 1.2, 2, 9, 10, 13, 15, 16, and 17. *Id.*

As discussed above, SOW section 1.2 includes the RFQ's website requirement. RFQ amendment 0003 introduced revised language for SOW section 1.2, and provided specific instructions relevant to technical subfactor 1. *See* RFQ amend. 0003 at 2. This instruction reads:

> Provide a recorded demonstration (video or screenshots), a working URL, and/or controlled demo access showing all the required functions found in section 1.2 of the SOW. The website or COTS product does not need to be set up with specific VA facilities at the time of submission but just has to show how the website or COTS product is going to function if the offeror was selected for award.

Id.

Relevant to the protest ground, the RFQ also includes the following SOW sections:

> [SOW section 4.2.] Material Safety Data Sheets (MSDS) shall be provided to the facility [contracting officer's representative (COR)] electronically via e-mail or through access to an external website upon request at no additional charge within 24 hours of the VA request. Contractor shall, at the request of the VA, provide training on procedures associated with safety data and maintaining medical gas cylinders while at VA facilities.
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> * * * * *
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> [SOW section 10.4.] Backorder notification for any affected [line item number (LIN)] shall be immediately provided to each facility COR or [point of contact (POC)] when backorder is known via telephone, e-mail, and Contractor's website or [COTS] product, as described in SOW at 1.2.
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> [SOW section 13.7.] The Contractor shall calculate [loss-of-use (LOU)] quantity for the cylinders and the LOU cost of the cylinders by the cylinder category size . . . . The Contractor shall provide the LOU invoice . . . via e-mail and the Contractor's website or [COTS] product, as described in the SOW at 1.2.

RFQ at 11, 20, 22.

RAS takes issue with the RFQ's evaluation language stating that the evaluation will consider whether a quotation demonstrates the ability to meet all SOW requirements. Protest at 23-24; Comments at 48-50. RAS claims that such language is ambiguous in light of technical subfactor 1, which states that the vendor must demonstrate all required functions found in SOW section 1.2. Protest at 23-24; Comments at 48-50.

RAS notes that while the instructions for the demonstration portion of technical subfactor 1 are limited to SOW section 1.2, other SOW sections such as 4.2, 10.4, and 13.7, include performance requirements relevant to SOW section 1.2 but the RFQ does not expressly identify under which subfactor the performance requirements for sections 4.2, 10.4, and 13.7 will be evaluated, explain whether they must be demonstrated, or otherwise tell offerors how they will be evaluated. Comments at 49-50. Thus, RAS argues that it cannot intelligently prepare its quotation. Protest at 23.

Where a dispute exists as to a solicitation's actual requirements, we will first examine the plain language of the solicitation. *Intelsat General Corp.*, B-412097, B-412097.2, Dec. 23, 2015, at 8. An ambiguity exists where two or more reasonable interpretations of the terms or specifications of the solicitation are possible. *Argus Int'l Risk Servs., LLC*, B-411682, B-411682.2, Sept. 25, 2015, at 5. A patent ambiguity exists where the solicitation contains an obvious, gross, or glaring error, while a latent ambiguity is more subtle. *Id*. A party's particular interpretation need not be the most reasonable to support a finding of ambiguity; rather, a party need only show that its reading of the solicitation is reasonable and susceptible of the understanding that it reached. *The HP Group, LLC*, B-415285, Dec. 14, 2017, at 5.

Based on our review of the record, we find this protest ground unavailing. Put simply, RAS's complaint about the terms of the solicitation does not advance a reasonable interpretation of its terms. More salient, the clear terms of the RFQ directly contradict RAS's challenge. In this regard, the RFQ's overarching technical factor unambiguously requires quotations to demonstrate the capability to "fully and satisfactorily meet all requirements of the [SOW.]" RFQ at 69. Therefore, quotations must address, in some fashion, all SOW requirements. This includes SOW sections 4.2, 10.4, and 13.7. This is unambiguous.

Furthermore, contrary to RAS's challenge, SOW sections 10.4 and 13.7 are expressly called for under the technical subfactors. *See* Comments at 49-50 (citing SOW sections 10.4 and 13.7, and arguing that the RFQ does not identify a factor or subfactor where

these SOW sections will be assessed). Technical subfactor 3 requires quotations to address SOW section 10, and technical subfactor 5 requires quotations to address SOW section 13. *Id.* We recognize that SOW section 4.2 is not expressly referenced for any of the technical subfactors. *See id.* However, this does not negate a vendor's responsibility to demonstrate that capability under the overarching technical factor. In this regard, we note that while the protester contends that the requirement is related to SOW section 1.2. which is the requirement for a website, it is perfectly logical for the agency to decouple it from the evaluation of the website required by section 1.2 because, by its terms, the requirement can be met via email or an external website. *See* RFQ at 11 (SOW section 4.2, "Material Safety Data Sheets (MSDS) shall be provided to the facility [contracting officer's representative (COR)] electronically *via e-mail or through access to an external website* upon request at no additional charge within 24 hours of the VA request.") (emphasis added). Accordingly, this protest ground is denied.

The protest is denied.

Edda Emmanuelli Perez
General Counsel