



Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below
was subject to a GAO Protective Order.
This redacted version has been approved
for public release.

Decision

Matter of: Metropolitan Van & Storage, Inc.

File: B-404695; B-404695.2

Date: April 5, 2011

Joseph G. Billings, Esq., and Rita J. Piel, Esq., Miles & Stockbridge PC, for the protester.

Ashley M. Keiser, Esq., and Lori R. Larson, Esq., Department of the Treasury, for the agency.

Charles W. Morrow, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably rejected quotation as unacceptable which failed to include material information required by the solicitation.

DECISION

Metropolitan Van & Storage, Inc., of Benicia, California, protests the rejection of its quotation submitted in response to request for quotations (RFQ) No. TIRWR-11-Q-00003, issued by the Department of the Treasury, Internal Revenue Service (IRS), for furniture relocation and reinstallation services. Metropolitan contends that the agency improperly rejected its quotation as technically unacceptable.

We deny the protest.

The RFQ, posted on the federal business opportunities (FedBizOpps) website on November 17, 2011, sought to procure, pursuant to commercial acquisition procedures, furniture relocation and reinstallation services under a fixed-price contract. The furniture was required to be moved from Philadelphia, Pennsylvania to Sacramento, California between December 17, 2010 and January 15, 2011.

The RFQ provided for award on a best-value basis considering two evaluation factors: (1) cost and (2) ability to meet the required specification/experience. RFQ at 76. As relevant here, section 3.5 of the RFQ's statement of work (SOW) stated:

Designate one or two individuals to be in charge or to act as project manager or lead, to coordinate the ordering and a project manager to schedule the delivery/installation/assembly in order to meet the IRS timelines and may be required to attend construction meetings to coordinate with the IRS project team, phased delivery and installation of the furniture. **The number of project managers or leads is limited to a total of two persons with a minimum of five (5) years experience each. Vendor shall provide information on these persons as part of this request and shall be part of the technical evaluation.**

RFQ § C.3.5 at 4. In addition, section G, Other Contract Terms and Conditions, of the RFP, provided space at section G-1 for the designation of "program manager(s)" by name, title, telephone number and address.¹ RFQ § G-1 at 15.

Nine vendors, including Metropolitan, submitted quotations in response to the RFQ by the December 6 closing date. The IRS rejected Metropolitan's quotation, priced at \$70,150, as unacceptable for various reasons, to include the fact that it failed to provide information regarding the experience of its proposed project manager. On December 16, award was made, without discussions, to KBM Workspace, of San Jose, California, whose quotation had been found acceptable, in the amount of \$121,878.

On December 17, Metropolitan filed an agency-level protest contesting the rejection of its proposal, which IRS denied on December 23. This protest followed.

In reviewing a protest against an agency's evaluation of quotations, we examine the record to determine whether the

¹ The RFQ and the parties use the terms "project manager" and "program manager" interchangeably.

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. Here, we find that the agency reasonably rejected Metropolitan's quotation because it failed to include information on the experience of its project manager as was required by the RFQ.

As noted above, section 3.5 of the RFQ requested a vendor to provide no more than two project managers with a minimum of 5 years of experience. This section also clearly required vendors to include "information on these persons" in the quotation for "technical evaluation" purposes. Metropolitan listed one person as a project manager in its quotation, but did not include any other information regarding this individual's qualifications to meet the requirement for a minimum of 5 years experience. Because Metropolitan's quotation did not include the requisite information on the qualifications of its project manager as was required by the RFQ and because it is evident from the SOW that this 5-year experience requirement was material, the IRS reasonably rejected Metropolitan's quotation as technically unacceptable.

Metropolitan nevertheless argues that it reasonably interpreted the RFQ as only requiring the submission of the program manager's name, title, telephone number and address. See RFQ § G-1 at 15. In making this argument, Metropolitan references section L, Instructions to Offerors, where the RFQ enumerated the "items [that] must be included with your quote," which referenced "Section G. G-1 Designation of Contractor Program Manager" and did not mention any other submissions regarding the qualifications or experience of the proposed program manager. RFQ § L-1 at 73. This same requirement was repeated in Amendment 3 to the RFQ. Metropolitan argues that a reasonable interpretation of the RFQ would indicate that a vendor committed to the 5-year experience requirement for the program manager position by designating the program manager as required by section G-1 of the RFQ, and that a vendor was not required to demonstrate in its quotation that its proposed program manager had the requisite experience.

Where a dispute exists as to the actual meaning of a solicitation requirement, we will resolve the matter by reading the solicitation as a whole and in a manner that gives effect to all provisions of the solicitation.

reasonable, an interpretation must be consistent with the solicitation when read as whole and in a reasonable manner. Dataproducts New England, Inc. et al., B-246149.3 et al., Feb. 26, 1992, 92-1 CPD ¶ 231 at 8.

Metropolitan's proffered interpretation fails to account for, and would give no effect to, the unambiguous requirement set forth in section 3.5 of the SOW that vendors were required to provide information in their quotations demonstrating the vendor's compliance with the SOW 5-year experience requirement and that this information would be used in the technical evaluation.² Thus, it was not reasonable for Metropolitan to assume that it could provide no information other than the name of its proposed program manager in its quotation. Consequently, the agency had a reasonable basis for rejecting Metropolitan's quotation as unacceptable.³ In this regard, a vendor is responsible for affirmatively demonstrating the merits of its quotation and risks the rejection of its quotation if it fails to do so. 4D Security Solutions, Inc., B-400351.2, B-400351.3, Dec. 8, 2008, 2009 CPD ¶ 5 at 4.

The protest is denied.

Lynn H. Gibson
General Counsel

² Given the clarity of the section 3.5 requirement, Metropolitan's argument based on section M-1 would at best constitute the allegation of a patent ambiguity in the solicitation as to what information must be submitted with the quotation, which must be protested prior to the closing time for receipt of quotations in order to be considered by our Office. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2010); Allied Tech. Group, B-402135, B-402135.2, Jan. 21, 2010, 2010 CPD ¶ 152 at 9 n.10.

³ Consequently, we need not address the other reasons given by the agency for rejecting Metropolitan's quotation.