



United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Environment International Ltd.

**File:** B-407705

**Date:** January 28, 2013

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Brent Finley, Esq., Environment International, Ltd., for the protester.  
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Shriver & Jacobson LLP, for Science Applications International Corporation, an  
intervenor.

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### DIGEST

Protester's challenge to the agency's evaluation of its quotation is denied where record shows that the evaluation was reasonable and consistent with terms of the solicitation.

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### DECISION

Environment International Ltd. (EI), of Seattle, Washington, protests the award of a task order to Science Applications International Corporation (SAIC) of McLean, Virginia, by the National Parks Service (NPS), Department of the Interior under request for quotations (RFQ) No. 665859 for environmental compliance audits at 49 NPS sites located in the NPS's Pacific West Region. EI challenges the agency's evaluation of its quotation.

We deny the protest.

### BACKGROUND

NPS initially solicited this requirement under a different RFQ under the Federal Supply Schedule, in accordance with the Federal Acquisition Regulation (FAR) § 8.4. The agency awarded a task order to SAIC on September 16, 2011. EI filed an agency-level protest which was subsequently denied. EI then filed a protest in this Office on November 3. The agency took corrective action, by terminating the task order and resoliciting the requirement. Agency Report (AR) at 1-2.

NPS issued the current solicitation on April 12, 2012. The RFQ contemplated the award of a fixed-price task order for one base year and four 1-year options. Award was to be made on the basis of price and technical considerations deemed most advantageous to the government, following FAR Subpart 15.3 source selection procedures. The RFQ advised that award could be made without discussions, and that vendors should submit their most favorable terms. RFQ, Evaluation Factors, at 1. The RFQ stated that the following evaluation factors and weights would be used to evaluate quotations: compliance with solicitation requirements and technical excellence (30 percent); price (25 percent); experience (20 percent); management and key personnel (15 percent); and past performance (10 percent). RFQ, Evaluation Factors, at 2-3. Price was to be evaluated for reasonableness, and realism. Id. at 2.

Eighteen vendors submitted quotations by the closing date. The agency evaluators assigned points to each vendor's quotation under the non-price factors. The agency also scored and ranked each quotation under the price factor, taking into account the proposed price, and the agency's evaluation of the reasonableness, realism, and balance of the proposed price. The total score for each quotation was based on the technical scores and price score, according to the weights set forth in the RFQ. The contracting officer (CO), acting as the source selection authority, ranked the quotations from highest point-score to lowest.<sup>1</sup> AR, Tab 7, Source Selection Decision (SSD), at 6-7. As relevant here, SAIC's quotation was ranked first and EI's quotation was ranked sixth under the non-price factors, and the vendors received equal scores under the price evaluation factor. Id. at 7. The final ratings for the protester and awardee were as follows:

	<b>EI</b>	<b>SAIC</b>
Technical Score	3.93	6.65
Technical Excellence	4	9
Experience	6	9
Management and Key Personnel	6	9
Past Performance	8	8
Proposed Price / Score	\$925k / 7	\$981k / 7
<b>TOTAL SCORE</b>	<b>5.675</b>	<b>8.4</b>

Id. at 6-7.

The CO selected SAIC's quotation for award, concluding that although SAIC's quotation was higher in price than certain other quotations, the technical superiority

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<sup>1</sup> Two quotations were eliminated because they were not in the proper format.

of the SAIC quotation warranted payment of its higher price. Id. at 8. This protest followed.<sup>2</sup>

## DISCUSSION

EI contends that NPS's evaluation of its quotation was unreasonable under the non-price evaluation factors. In reviewing protests of alleged improper evaluations and source selection decisions, it is not our role to reevaluate quotations or proposals. Rather, we will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's or vendor's obligation to submit an adequately written quotation for the agency to evaluate, see United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19, and a protester's mere disagreement with the evaluation is not sufficient to render it unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7. We have reviewed each of the protester's contentions and find that none of the challenges provides a basis to sustain its protest. We address the following illustrative examples.

### Technical Excellence Factor

EI challenges the reasonableness of the agency's evaluation of its quotation with regard to the first factor, compliance with solicitation requirements and technical excellence. EI's quotation received 4 out of a possible 10 points for this factor. The protester challenges the agency's assessment of three weaknesses for its quotation. As set forth in detail below, we think the record supports the agency's assessments regarding two of these weaknesses. With regard to the third weakness challenged by EI, we find the record unpersuasive. That said, and as also explained below, our review of the record as a whole leads us to conclude that even if we agree with EI's challenge to the third weakness, we are not convinced that EI prevails in this competition.

First, NPS assessed a weakness for EI's quotation because the agency found it was not clear whether the protester would provide the required electronic audit tools. AR, Tab 6c, Technical Evaluation Panel (TEP) Consensus Memorandum, at 7. The original solicitation provided for a government-furnished electronic audit tool. AR, Tab 11a, RFQ No. 572092, at 1. The present solicitation omitted an electronic audit tool from the list of government-furnished materials, and provided

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<sup>2</sup> EI filed an agency-level protest on September 13, and received a decision from the agency on October 12. AR, Tab 9, EI's Agency-Level Protest; Tab 10, Agency Protest Decision. The current protest was filed with our Office on October 19.

information regarding the required capabilities of the electronic audit tool to be used by the contractor. Statement of Work (SOW) §§ 2, 3.5. This change in the requirement was further confirmed in the Questions and Answers posted to GSA e-Buy:

5. Can you confirm that NPS will provide the contractor with the electronic audit tool? If yes, can you confirm that the tool is a Microsoft Access Database based tool?

The electronic auditing tool shall be contractor-furnished.

AR, Tab 3g, Questions and Answers (Apr. 12, 2012- Apr. 20, 2012).

The agency's evaluation cited EI's quotation, which states, "EI will ensure that all Audit Reports, including the In Brief, Exit Brief, Draft, and Final Audit Report, will be generated utilizing the NPS Audit Tool." AR, Tab 6c, TEP Consensus Memorandum at 7, citing Tab 4, EI Quotation § 1.9. NPS's concern about whether EI would furnish the electronic audit tool was heightened by the following statement which EI included as an assumption in the cost portion of its quotation: "The electronic audit tool is fully functional and no significant issues with the electronic audit tool are encountered." Id., citing Tab 4, EI Quotation § 2.0. The agency determined that the failure of a vendor to provide for a contractor-furnished electronic audit tool would significantly impact its ability to accomplish the work as required in the SOW, and downgraded EI's quotation accordingly. CO Statement at 8.

EI argues that its quotation addressed the RFQ requirements because it stated that "the audit team [would] meet to distribute and discuss the most current audit tools." AR, Tab 4, EI Quotation § 1.6. The protester maintains that the agency's evaluation in this instance "places form over substance," and that its quotation should not have been assessed a weakness merely because it "did not contain a statement explicitly stating that it would provide the audit tool." EI Comments at 8.

We think that NPS was reasonably concerned that EI's quotation did not contain a clear statement that it would provide the required electronic audit tool. On this record, we find that the agency's reasonably assessed a weakness for EI's quotation.

Second, EI's quotation received a weakness based on its plan to "partially evaluate ISO 14001 conformance prior to the site visit." AR, Tab 4, EI Quotation § 1.4. The evaluators determined that this statement reflected EI's lack of understanding of the project requirements, because evaluating the parks for ISO 14001 conformance was not contemplated by the SOW. AR, Tab 6c, TEP Consensus Memorandum, at 7. In this regard, NPS states that it is aware that it is not ISO 14001 compliant,

and therefore did not request an ISO 14001 conformance evaluation. CO Statement at 7.

As the agency notes, vendors were advised that ISO 14001 compliance was not required, based on the Questions and Answers posted to GSA e-Buy:

3. Is the audit a full blown EMS [Environmental Management System] audit complying with ISO standards?

Answer: No. IAW paragraph 3.2 of the SOW “each audit team shall have at least one auditor who is familiar with the National Park Service Environmental Management System Model to conduct the EMS (TEAM Guide section 14) portion of the audit.”

AR, Tab 3h, Questions and Answers (Apr. 12, 2012 to Apr. 29, 2012), at 1.

EI contends that the NPS EMS model stated that it was to be evaluated against Section 14 of the US TEAM guide.<sup>3</sup> See AR, Tab 3b, SOW § 3.7. As the agency acknowledges, certain parts of Section 14 are “based on” elements from the ISO 14001 standard, along with other applicable standards. CO Statement at 8. The protester therefore argues that “[b]y explicitly requiring that the NPS EMS model be evaluated against Section 14 of the US TEAM Guide, the NPS requested at least a partial ISO 14001 conformance audit.” Comments at 7.

We think the solicitation was clear that the EMS audit was not required to comply with ISO standards, and that this matter was confirmed in the Questions and Answers, cited above. As also discussed above, the agency was concerned that EI’s proposal to evaluate ISO 14001 conformance reflected its lack of understanding of the project requirements. See AR, Tab 6c, TEP Consensus Memorandum, at 7. On this record, we find that the agency reasonably assigned EI’s quotation a weakness for proposing to evaluate ISO 14001 conformance when it was not required by the RFQ.

With respect to the third weakness, the NPS determined that the protester’s approach of conducting telephone interviews deviated from the requirements listed in the SOW. The evaluators noted that EI’s quotation stated that it would “conduct telephone interviews with appropriate personnel from each Park.” AR, Tab 4, EI Quotation § 1.1. The agency was concerned that EI’s quotation did not explicitly state whether EI intended to comply with the solicitation requirement of conducting

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<sup>3</sup> TEAM refers to “The Environmental Assessment and Management,” which is guidance issued by the Army Construction Engineering Research Laboratory. AR at 5-6; Tab 3b, SOW § 3.7.1.1.

on-site interviews, as required under SOW § 3.7.2. AR at 4; AR, Tab 6b, Evaluator's Worksheets, at 1.

EI contends that although its quotation stated that it would conduct pre-visit telephone interviews, it also stated that it would conduct on-site interviews, as follows: "For the on-site interviews, at least one EI audit team member will meet with the park staff responsible for completing the PSVQ. The EI audit team member(s) and the park staff will review and verify the PSVQ for accuracy, completeness." AR, Tab 4, EI Quotation § 1.7.2.

Even if the protester were to merit a higher score under this factor based on the elimination of the weakness concerning on-site interviews, there is no possibility of prejudice arising from this issue because the awardee's quotation remained higher-rated under the experience and the management and key personnel factors, and equal under the past performance factor; as discussed below, we find no merit to the protester's challenges regarding these factors. In light of the fact that the agency rated EI and SAIC equal under the price factor, and the protester does not challenge this aspect of this evaluation, we conclude that there is no reasonable prospect for EI to have received award. See McDonald-Bradley, B-270126, Feb. 8, 1996, 96-1 CPD ¶ 54 at 3; see also Statistica, Inc. v. Christopher, 102 F.3d 1577, 1581 (Fed. Cir. 1996) (competitive prejudice is a necessary element of any viable bid protest).

#### Experience Factor

Next, EI contests the reasonableness of the agency's evaluation of its quotation concerning the experience factor. The RFQ stated that the agency would evaluate a vendor's "[e]xperience in carrying out similar environmental audits to those required in the Statement of Work in terms of both scope and complexity." RFQ, Evaluation Factors, at 3. The solicitation further stated that vendors must demonstrate that they have "performed similar environmental audits on three like projects in scope and size during the last three years." Id.

EI's quotation received 6 out of a possible 10 points for this factor. NPS concluded that while the protester performed audits during the past three years for several federal agencies, its quotation failed to show that it performed any audits for "Land Management Agencies during the past three years," and that the protester "has no documented experience in the development of an Electronic Audit Tool." AR, Tab 6c, TEP Consensus Memorandum, at 7. The protester argues that the requirement to demonstrate Land Management Agency experience was an unstated evaluation factor. Protest at 15.

NPS argues that the RFQ clearly stated that the agency would evaluate whether a vendor demonstrated experience with "similar environmental audits . . . in terms of both scope and complexity." RFQ, Evaluation Factors, at 3. The agency maintains

that experience performing environmental audits for agencies whose missions are more closely aligned with that of the NPS, such as other land management agencies, had greater relevance to the work required under this procurement. AR at 9. The agency states that while EI scored on the upper end of the “acceptable” rating for the experience factor, those vendors who demonstrated a greater level of experience with projects of similar scope and size were necessarily rated higher than EI. CO Statement at 10. The agency noted that while EI’s quotation listed four compliance auditing projects involving the NPS or the Department of Interior, three of these projects occurred more than three years ago,<sup>4</sup> and the fourth addressed cultural resources and not compliance with Federal and State environmental laws and regulations. CO Statement at 12; AR, Tab 4, EI Quotation, at 20-22.

We find that the agency reasonably evaluated EI’s quotation in accordance with the RFQ with regard to experience. An agency may reasonably consider whether an offeror has specific experience directly related to the work to be performed under the solicitation, even if such experience is not explicitly called for in the solicitation. MELE Assocs., Inc., B-299229.4, July 25, 2007, 2007 CPD ¶ 140 at 7. Here the RFQ expressly stated that the agency would evaluate “similar environmental audits,” therefore we find no reason to question the agency’s evaluation with regard to this matter. RFQ, Evaluation Factors, at 3.

#### Management and Key Personnel

Finally, EI challenges the reasonableness of the agency’s evaluation of its quotation with regard to the management and key personnel factor. EI’s quotation received 6 out of a possible 10 points for this factor. EI contends that its quotation was unfairly downgraded for failing to present a work plan when such a plan was not required by the solicitation. Protest at 18-19. The protester notes that the solicitation states that the vendor may demonstrate through a project work plan its understanding of the scheduling and project management necessary to accomplish the work.

NPS states that although providing a project work plan was optional, the demonstration of requisite understanding was not. AR at 11. The agency states that EI’s quotation was downgraded not due to its lack of a formal work plan, but for its failure to otherwise adequately demonstrate an understanding of the scheduling and project management necessary to accomplish the work. Id. We think that the agency’s concern here was reasonable, as the record shows that while the protester’s quotation contained numerous resumes and references, it lacked a work

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<sup>4</sup> The agency noted that the portion of EI’s quotation that discussed experience only included dates for one project and that the evaluators knew that these three projects referred to above fell outside of the three-year range due to their personal knowledge. CO Statement at 11.

plan or other means that demonstrated its understanding of the scheduling and project management necessary to accomplish the work or ability to complete the project on-time. See AR, Tab 6c, TEP Consensus Memorandum, at 7.

In sum EI's protest does not provide a basis to question the reasonableness of the agency's determination that EI's quotation contained various weaknesses and was downgraded accordingly.

The protest is denied.

Susan A. Poling  
General Counsel