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## Decision

**Matter of:** Future Technologies Consulting Group, Inc.

**File:** B-409867

**Date:** August 13, 2014

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Robert Stoutenburgh, for the protester.  
David S. Cohen, Esq., Cohen Mohr LLP, for the intervenor.  
Lea E. Duerinck, Esq., Department of Veterans Affairs, for the agency.  
Frank Maguire, Esq., and David A. Ashen, Esq., Office of the General Counsel,  
GAO, participated in the preparation of the decision.

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### DIGEST

1. Agency reasonably found protester's quotation, for electronic storage media sanitization, technically unacceptable where quotation failed to address a requirement for a secure, Federal Information Processing Standards-compliant, web portal, and failed to address adequately a requirement for help desk support during normal agency work hours.
  2. Agency was not required to engage in clarifications with protester with regard to evaluated deficiencies, since an agency may, but is not required to, engage in clarifications and, in any case, clarifications cannot be used to cure proposal deficiencies or material omissions.
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### DECISION

Future Technologies Group, Inc. (FTCG), of Marietta, Georgia, protests the Department of Veterans Affairs' (VA) award of a contract to Intelligent Decisions, Inc. (IDI), of Ashburn, Virginia, under request for quotations (RFQ) No. VA118-14-Q-0219, for services and supplies related to VA's Electronic Storage Media Sanitization Program (ESMSP). The protester asserts that its quotation was improperly evaluated and that VA should have engaged in clarifications to resolve issues regarding the protester's compliance with solicitation requirements.

We deny the protest.

## BACKGROUND

The RFQ, issued on April 9, 2014, requested quotations for services and supplies related to ESMSP, including certified sanitization, destruction, and disposal of up to 200,000 pieces of sensitive media, as well as such services as tracking, receiving, and reporting. RFQ at 27. Award was to be made to the vendor whose quotation represented the best value to the government, considering four evaluation factors: technical, price, past performance, and veterans involvement. Id. at 60. The RFQ provided that offerors were “responsible for including sufficient details, in a concise manner, to permit a complete and accurate evaluation.” Id. at 62. In this regard, the solicitation cautioned that quotations “which merely restate the requirement or state that the requirement will be met, without providing supporting rationale, are not sufficient.” Id. at 60. The RFQ further provided that “[o]fferors who fail to meet the minimum requirements of the solicitation will be rated Unacceptable and thus, ineligible for award.” RFQ at 60.

Three quotations, including FTCG’s and IDI’s, were received by the closing time on April 25, 2014. The evaluators found three deficiencies in FTCG’s quotation: (1) FTCG failed to address the requirement in the Performance Work Statement (PWS) at ¶ 5.2.3 that damaged containers received at the offeror’s facility be reported within one hour; (2) FTCG failed to address the requirement at PWS ¶ 5.2.2 for the required secure web portal to be Federal Information Processing Standards (FIPS) 140-2 compliant not later than 90 days after award; and (3) FTCG failed to address the requirement at PWS ¶ 5.3.3.3 that offerors provide a help desk “phone number” with representatives available during “normal VA working hours.” AR, Tab 6, Technical Evaluation, at 1-2. As a result, the agency found FTCG’s quotation unacceptable under the technical factor, and therefore ineligible for award. Id. at 2-3; AR, Tab 7, Source Selection Decision Document (SSDD), at 3-4. This protest followed.

## DISCUSSION

In its protest, FTCG disputes the agency’s determination of unacceptability, questioning each of the evaluated deficiencies. In reviewing an agency’s evaluation, we will not reevaluate quotations, but will examine the record to ensure that the agency’s evaluation was reasonable and consistent with the terms of the solicitation. Beckman Coulter, Inc., B-405452, Nov. 4, 2011, 2011 CPD ¶ 231 at 5. It is a vendor’s burden to submit an adequately written quotation, and the vendor’s disagreement with an unfavorable rating does not establish that the evaluation was unreasonable. See CMI Mgmt., Inc., B-404645, Mar. 2, 2011, 2011 CPD ¶ 66 at 4-5. Further, an offeror has the burden of affirmatively demonstrating the merits of its quotation, including providing all information that was requested to demonstrate its capabilities and compliance with solicitation requirements. See Great Lakes Towing Co. dba Great Lakes Shipyard, B-408210, June 26, 2013, 2013 CPD ¶ 151 at 7. Where a quotation omits, inadequately addresses, or fails to

clearly convey required information, the vendor runs the risk of an adverse agency evaluation. Id. at 7-8. Here, we find that FTCTG has furnished no basis to question the determination that its quotation was unacceptable.

### FIPS 140-2 Compliance

FTCTG first challenges the evaluated FIPS 140-2 deficiency. In this regard, the RFQ required offerors to provide “a detailed approach” to, inter alia, “providing a secure web portal service to users IAW PWS paragraph 5.2.2 and all its subparagraphs.” RFQ at 63. The referenced PWS ¶ 5.2.2 provided as follows: “The Contractor shall provide a Contractor-owned/Contractor-hosted web portal that is fully secured in accordance with Federal Information Processing Standards (FIPS) 140-2 no later than 90 days after award.” RFQ at 30. The evaluators found that FTCTG failed to address this requirement for FIPS 140-2 compliance within 90 days. Technical Evaluation at 2, 3.

Although FTCTG asserts that it “did propose a secure web portal and detail our FIPS certifications in other areas,” Protest at 2, it concedes that its quotation did not specifically address FIPS 140-2 compliance. Id. at 3. In this regard, nowhere in FTCTG’s quotation did it address FIPS 140-2 compliance, much less explicitly state it would meet the requirement of being FIPS 140-2 compliant within 90 days of award. See AR, Tab 5, FTCTG Technical Volume, at 4; see also AR at 11. Instead, the protester’s quotation simply stated “that it had a ‘secure’ web portal,” and generally referenced FTCTG’s “approach to providing a secure web portal service to users in accordance with PWS paragraph 5.2.2 and all subparagraphs,” FTCTG Technical Volume, at 4, without specific reference to FIPS 140-2 compliance. Thus, FTCTG’s response in this regard amounted to little more than a restatement of the solicitation requirement for a secure web site, which the solicitation indicated would be insufficient. RFQ at 60. In addition, the protester’s failure to discuss how it would achieve FIPS 140-2 compliance within 90 days of award ignored its burden to furnish sufficient details to permit a complete and accurate evaluation. See Great Lakes Towing Co. dba Great Lakes Shipyard, supra (offeror has burden of affirmatively demonstrating the merits of its quotation, including all information that was requested to demonstrate its capabilities and compliance with solicitation requirements). In these circumstances, we find that the agency reasonably assessed a deficiency against FTCTG’s quotation with respect to the requirement for FIPS 140-2 compliance within 90 days.

### Help Desk

FTCTG also challenges the evaluated help desk deficiency. In this regard, the PWS at ¶ 5.2.2.3 provided for help desk support as follows:

The Contractor shall provide Help Desk support to VA ISOs  
[Information Security Officers] and other users through the secure web

portal and by means of a specified phone number during normal VA working hours which are Monday through Friday from 7AM to 6PM Eastern Standard Time (EST). The Contractor shall respond to any help desk request within 24 hours.

RFQ at 30. In its quotation, FTCTG addressed this requirement in a single statement: "There will be customer support and a help desk ticket system to address any technical issues the VA experience with response within 24 hours of a request." FTCTG Technical Volume at 4. The evaluators found this insufficient to satisfy the RFQ's requirement for help desk support in that it "failed to address the PWS requirement to provide a help desk 'phone number' with representatives available during 'normal VA working hours'." Technical Evaluation at 3. The evaluators advised that:

Without a functional telephonic help desk, the VA will not have critical issues resolved in a timely manner, including issues with shipments of sensitive media and requesting assistance in preparing shipments of media. This significantly decreases Government confidence that the Offeror's approach to the help desk requirement meets the Government's requirements and significantly increases performance risk.

Id. at 2. Further, the evaluators found that FTCTG demonstrated a "lack of understanding of the help desk requirement by only offering a Help Desk system that will respond within 24 hours instead of a phone service available during normal working hours." Id.; see also SSDD at 3-4.

FTCTG asserts in its protest that its quotation indicated that it would provide dedicated administrative and project management support, which would encompass answering calls from VA. Protest at 2. Further, the protester indicates in its protest that its "senior management is always available 27/7/365 on their cell phones." Id.; see also Comments at 1.

As indicated above, FTCTG's quotation addressed the help desk requirement in a single sentence, which lacked specificity and detail regarding how FTCTG would meet the help desk requirement. FTCTG Technical Volume at 4. As for the asserted cell phone availability of senior management, this was not mentioned in the FTCTG's quotation and is no substitute for a robust Help Desk. AR at 15-16. Further, although FTCTG's quotation did designate certain officials as members of its project management team, see FTCTG Technical Volume at 16, none of those officials appeared from the quotation to be dedicated to help desk support.

It is incumbent on an offeror to provide required information in its proposal, not in a protest after award. Advanced Constr. Techniques, Inc., B-404847.6, Jan. 25, 2012, 2012 CPD ¶ 54 at 8; see, e.g., MediaNow, Inc., B-405067, June 28, 2011,

2011 CPD ¶ 133 (quotation was properly found unacceptable where protester failed to identify where in its quotation required capabilities were demonstrated). Given FTCG's failure in its quotation to specifically offer help desk support required by the RFQ, we conclude that the agency's evaluation of a deficiency with respect to the help desk support requirement was reasonable.

Further, given our conclusion that the agency reasonably assessed deficiencies regarding FTCG's response to the FIPS 140-2 and help desk requirements, we find no basis to question the agency's overall determination that FTCG's quotation was unacceptable for the technical factor, and thus ineligible for award. Accordingly, we need not address FTCG's challenge to the evaluated deficiency with respect to reporting damaged containers. See, e.g., Tetra Tech Tesoro, Inc., B-403797, Dec. 14, 2010, 2011 CPD ¶ 7 at 6 (where protester was not in line for award given a deficiency, the protester was not an interested party to raise other protest challenges).

#### Clarifications

FTCG also asserts that a request for clarification with regard to its web portal's FIPS certification would have permitted it to demonstrate that its reference to 'Secure' meant FIPS 140-2 compliant. Clarifications are limited exchanges between the agency and offerors that may occur where, as here, contract award without discussions is contemplated. An agency may, but is not required to, engage in clarifications that give offerors an opportunity to clarify certain aspects of proposals or to resolve minor or clerical errors. Savvee Consulting, Inc., B-408623, B-408623.2, Nov. 8, 2013, 2013 CPD ¶ 265 at 6. Clarifications, however, cannot be used to cure deficiencies or material omissions in a quotation, or materially alter the technical or cost elements of the quotation, and/or otherwise revise the quotation. Id. Here, to become acceptable, FTCG would have to provide additional, substantive proposal information, including specific information regarding its FIPS 140-2 compliance. This information exchange would have constituted discussions, not clarifications. See Diversified Collection Services, Inc., B-406958.3, B-406958.4, Jan. 8, 2013, 2013 CPD ¶ 23 at 11-12. In addition, the RFQ advised that the agency reserved the right to make award without discussions, RFQ at 60, and the agency in fact did not conduct discussions with the offerors. AR at 4. An agency is not required to provide an opportunity for discussions (or clarifications) under such circumstances. See DJW Consulting, LLC, B-408846.3, Dec. 18, 2013, 2014 CPD ¶ 77 at 5; Mission1st Group, Inc., B-404811.3, B-404811.6, June 2, 2011, 2011 CPD ¶ 115 at 4.

The protest is denied.

Susan A. Poling  
General Counsel