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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: ATI Systems

File: B-410602

Date: January 12, 2015

Diane Lima, for the protester.

Capt Adam N. Olsen, Department of the Air Force, for the agency.

Young S. Lee, Esq., and Nora K. Adkins, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging the agency's rejection of the protester's quotation as technically unacceptable is denied where the agency reasonably found that the protester failed to adequately demonstrate its compliance with the solicitation's minimum requirements.

DECISION

ATI Systems, of Boston, Massachusetts, protests the award of a purchase order to Trident Technical Solutions, LLC, (TTS), of St. Petersburg, Florida, under request for quotations (RFQ) No. F1C6RH4220A003, issued by the Department of the Air Force for a mobile mass notification system at Anderson Air Force Base in Guam. The protester challenges the agency's rejection of its quotation as technically unacceptable.

We deny the protest.

The RFQ was issued on September 22, 2014, as a total small business set-aside under the streamlined procedures established at Federal Acquisition Regulation (FAR) Part 12.6 for the evaluation and acquisition of commercial items.¹ RFQ

¹ The solicitation was initially issued on September 3 but was cancelled due to changes in the agency's requirements. Contracting Officer (CO) Statement at 2-3; AR, Tab 3, Initial Solicitation. The Air Force reissued the solicitation on September 22 with updated requirements. CO Statement at 3. All citations herein are to the revised solicitation.

(Sept. 22, 2014) at 1. The solicitation contemplated the award of a fixed-price purchase order to the vendor submitting the lowest-priced, technically acceptable quotation. Id. at 2. The RFQ defined technical acceptability as a quotation that “clearly meets the minimum requirements of the solicitation.” Id. at 3. The solicitation included a list of requirements as an attachment to the solicitation. Id. at attach., Requirements List. As relevant here, one such requirement was for the vendor’s mass notification system to have the ability to reach a range of 1.5-2 miles. Id. at 2.

The agency received four quotes by the solicitation’s September 26 closing date. Contracting Officer (CO) Statement at 3. The agency initially identified ATI’s quotation as the lowest-priced, but the Air Force rejected the quotation as technically unacceptable because it failed to include any information to demonstrate that its system would meet the 1.5-2 mile range requirement. CO Statement at 6. The Air Force made award to Trident as the next lowest-priced quotation on September 30.² Id. ATI filed the current protest on October 7.

DISCUSSION

ATI contends that it should have received award because it submitted the lowest-priced, technically acceptable quotation in response to the RFQ. Protest at 1-2. The protester argues that the Air Force improperly evaluated its quotation because ATI did not take exception to the RFQ’s minimum requirements. Id. at 2.

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. Future Technologies Consulting Group, Inc., B-409867, Aug. 13, 2014, 2014 CPD ¶ ___. 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. Id. Where a quotation omits, inadequately addresses, or fails to clearly convey required information, the vendor runs the risk of an adverse agency evaluation. Id. Here, we find that ATI has furnished no basis to question the agency’s determination that its quotation was unacceptable.

ATI concedes that it did not directly address each of the minimum requirements listed in the RFQ but argues that the agency’s evaluation was unreasonable

² The Air Force found Trident’s quotation technically acceptable. AR, Tab 14, Award Decision, at 1.

because the quotation contained a blanket statement of compliance. ATI Comments at 1. In this regard, ATI's quotation contained the following language, "[w]e believe our system will not only exceed your requirements but will also provide you with the economic value in terms of reliability and system performance." Protest at 2 citing ATI Quotation, at 1.

On this record, we have no basis to question the agency's rejection of ATI's quotation as technically unacceptable. Brandt Group, Inc., B-409104, Jan. 16, 2014, 2014 CPD ¶ 33 at 2 (offeror is responsible for including sufficient information to establish compliance with solicitation requirements, and blanket statements of compliance are insufficient to meet this obligation). While the protester disagrees, it has not provided a basis for us to overturn the agency's reasonable evaluation.

The protest is denied.³

Susan A. Poling
General Counsel

³ We dismiss as untimely ATI's protest that the Air Force improperly amended the solicitation and failed to properly notify ATI of changes made to the RFQ. Our Bid Protest Regulations contain strict rules for the timely submission of protests. They specifically require that a protest based upon alleged improprieties in a solicitation that are apparent prior to the closing time for receipt of initial proposals be filed before that time, includes challenges to alleged improprieties that do not exist in the initial solicitation but which are subsequently incorporated into it; in such cases, the solicitation must be protested not later than the next closing time for receipt of proposals following the incorporation. 4 C.F.R. § 21.2(a)(1); See Cessna Aircraft Co., B-261953.5, Feb. 5, 1996, 96-1 CPD ¶ 132 at 16. We also note that ATI became award of the amendment a day after it was posted, and submitted a timely quotation in response to the amended solicitation. Protest at 2.