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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Rante Corporation

File: B-411188

Date: June 1, 2015

Monica Grace Lee, Esq., Rante Corporation, for the protester.
Navid Mehrjou, Esq., Lori Larson, Esq., Department of the Treasury, Internal Revenue Service, 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 agency's rejection of an unsolicited proposal is dismissed where GAO will not generally review a protest which would mandate an agency accept an unsolicited proposal and procure from the firm on a sole-source basis.

DECISION

Rante Corporation, of New York, New York, protests the Department of Treasury, Internal Revenue Service's (IRS) decision to reject Rante's unsolicited proposal. The protester alleges that the agency's evaluation of its unsolicited proposal was flawed, and contends that the IRS is required to issue it a \$200 million sole-source award. In response, the IRS explains that it properly evaluated and rejected the protester's unsolicited proposal.

We dismiss the protest.

Rante submitted an unsolicited proposal to the agency to "provide the IRS with the appropriate tools to address IRS technology limitations" with regard to foreign account and asset reporting.¹ AR, Tab 4, Rante's Proposal, at 47-48. The IRS

¹ Although the unsolicited proposal's focus was on foreign account and asset reporting, Rante claims that the solutions it offered could be used for a variety of other purposes. AR, Tab 4, Rante's Proposal, at 100. For example, the unsolicited proposal stated that it could be used to address technological challenges related to
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received Rante's unsolicited proposal on February 4, 2015, and directed the proposal to the IRS's Foreign Account and Tax Compliance Act (FATCA)² program management office (PMO) and its International Data Management group for review. Contracting Officer (CO) Statement at 1. The evaluators determined that the proposal duplicated the functionality of an existing IRS Blanket Purchase Agreement (BPA),³ which had been established in August 2014. CO Statement at 2; AR, Tab 7, Email from Information Technology (IT) PMO (Feb. 11, 2015), at 1. Thus, the agency concluded that the unsolicited proposal did not provide an innovative or unique solution. Id.

On March 3, the IRS sent Rante a letter notifying the firm that its proposal was neither innovative nor unique; that the agency did not believe Rante's proposal justified award on a sole-source basis; and that the IRS had already deployed a managed service application that provided FATCA partners with a mechanism to secure automatic exchange of information. AR, Tab 5, Letter to Rante, at 1. Rante filed its protest with our Office on March 4.

With regard to unsolicited proposals, the decision to make a non-competitive award is one that is within the agency's discretion, and then only where the requirements of FAR § 15.607(b) are met. S.T. Research Corp., B-231752, Aug. 16, 1988, 88-2 CPD ¶ 152 at 1-2; Mine Safety Appliances Co., B-227839, July 8, 1987, 87-2 CPD ¶ 24. Rante's protest acknowledges that it understands the discretion granted to agencies in this regard. Comments at 22. Nevertheless, Rante challenges various aspects of the agency's underlying evaluation and disagrees with the agency's determination that its unsolicited proposal was neither innovative nor unique.

We find no basis to review the agency's determinations here. Given that one of the objectives of our bid protest function is to ensure full and open competition, we consider it inappropriate, generally, to review a protest which would mandate an agency to procure from a particular firm on a sole-source basis. See S.T. Research Corp., supra; University of Dayton Research Inst., B-220589, Jan. 30, 1986, 86-1

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bank interest exchanges, mutual legal assistance treaties, and reportable interest. Id.

² The Foreign Account and Tax Compliance Act requires Foreign Financial Institutions (FFIs) to report information regarding financial accounts or foreign entities held by United States taxpayers to the IRS. 26 U.S.C. §§ 1471-1474; 26 U.S.C. § 6038D.

³ The existing IRS BPA, issued under solicitation No. TIRNO-14-Q-00096, sought to acquire a secure managed file transfer data exchange system for the FACTA international data exchange service (IDES). AR, Tab 8, FACTA IDES Solicitation Statement of Objectives (SOO), at 3.

CPD ¶ 108; DWK Systems Group, Ltd., B-229647, Dec. 10, 1987. Since Rante's protest fails to provide our Office with a basis to deviate from this general rule, we decline to consider the protester's allegations.⁴ 4 C.F.R. §§ 21.4(c)(4), (f) (protest must include a detailed statement of the legal and factual grounds for protest, and the grounds stated must be legally sufficient).

The protest is dismissed.

Susan A. Poling
General Counsel

⁴ Even assuming that our Office concluded that the agency's evaluation was flawed, which we do not, Rante's protest fails to explain why the IRS would be required to award it a \$200 million sole-source contract based on its unsolicited proposal. FAR § 15.507(a) sets forth those circumstances where an agency is required to reject an unsolicited proposal; it does not follow that in all other circumstances the agency must accept an unsolicited proposal. S.T. Research Corp., supra.