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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Government and Military Certification Systems, Inc.

File: B-412005

Date: November 30, 2015

Leigh Brand, for the protester.

Rachel McGuane, Esq., Bureau of Engraving and Printing, for the agency.

Laura Eyester, Esq. and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Challenge to terms of solicitation for an independent review of an agency's environmental and quality management systems is denied where agency reasonably explains rationale for specifications with regard to contractor accreditation.

DECISION

Government and Military Certification Systems, Inc. (GMCS), of Washington, D.C., protests the terms of request for proposals (RFP) No. BEP-RFP-15-0368, issued by the Department of Treasury, Bureau of Engraving and Printing (BEP), for auditing services for the agency's environmental and quality management systems at its two printing facilities. GMCS contends that certain parts of the solicitation are unduly restrictive of competition.

We deny the protest.

BACKGROUND

BEP provides the design, engraving, and printing for all United States paper currency at its two printing facilities in Washington, D.C. and Fort Worth, Texas. RFP at 7. Each facility has wastewater pre-treatment plants that treat the waste streams from the printing presses and from the nickel and chromium plating operations. Id. As a result, BEP has environmental and management systems for its printing facilities, which adhere to the International Organization for

Standardization (ISO) 14001 standard for environmental management and the ISO 9001 standard for quality management.¹ Id.

BEP utilizes third-party registration for its environmental and quality management systems, which is an independent audit that an organization is meeting the objectives and requirements of an ISO standard. Both of BEP's facilities maintain separate registrations for their environmental management systems due to the differences in environmental regulations between the jurisdictions. RFP at 7. In addition, BEP maintains a single registration that covers both facilities for its quality management system. Id. BEP requires further independent reviews to maintain continued registration for both systems. Id.

As a result, on May 15, 2015, BEP issued a solicitation for an accredited contractor to maintain BEP's registration of its environmental management system under the ISO 14001 standard, and of its quality management system under the ISO 9001 standard. RFP at 7. The RFP originally required that: "The Contractor shall be an ANAB [ANSI-ASQ National Accreditation Board] accredited ISO 14001 and ISO 9001 Registrar . . . [and that] Contractors must be accredited to the Printing scope (09) on the ANAB web site (anab.org)." AR, Tab 4, RFP at 9. Proposals were due on August 28. Id., Tab 4, Amendment 2.

On August 28, GMCS filed a protest with this Office arguing that the requirements for ANAB accreditation and printing scope are unduly restrictive of competition. Protest at 1-2. GMCS requested that BEP revise the accreditation requirements "to allow for ANAB accreditation or equivalent to include the International Accreditation Services (IAS)." Protest at 3.

In response to the protest, on September 4, BEP amended the solicitation concerning accreditation requirements to address GMCS's concerns as follows:

1. The Contractor shall be an ANSI-ASQ National Accreditation Board (ANAB) or an equivalent accrediting body that is certified by the International Accreditation Forum (IAF) with an identified main scope of Management System Certification conforming to ISO/IEC17021 with sub scopes as the Management Systems, and the certification scope code to include Code 09 for Printing.

RFP at 9.

¹ ISO develops voluntary international standards for a variety of industries. See Agency Report (AR) at 2 n.1.

DISCUSSION

GMCS challenges as overly restrictive the amended requirement that an offeror have a certificate from an accrediting body that is a member of IAF, with main scopes and sub scopes of management and a printing code.² Although GMCS acknowledges that the contractor performing the audit should have accreditation, Protest at 3, GMCS argues that requiring accreditation from an entity with IAF membership in the management scope and sub scope do not measure an offeror's ability to perform the work. Response to Corrective Action at 2; Comments at 8. Further, GMCS argues that while it would be reasonable for BEP to require auditors to have printing experience, it is not reasonable to require the contractor to have an existing certificate of accreditation that includes the printing code. Protest at 2; Response to Corrective Action at 2; Comments at 2.

The Competition in Contracting Act requires that solicitations generally permit full and open competition and "include restrictive provisions or conditions only to the extent necessary to satisfy the needs of the executive agency or as authorized by law". 41 U.S.C. § 3306(a)(2)(B). Where a protester challenges a solicitation provision as unduly restrictive of competition, the procuring agency must establish that the provision is reasonably necessary to meet the agency's needs. Gov't & Military Certification Sys., Inc., B-409420, Apr. 2, 2014, 2014 CPD ¶ 116 at 3. The determination of a contracting agency's needs is primarily within the agency's discretion and we will not object to the use of particular evaluation criteria so long as they reasonably relate to the agency's needs in choosing a contractor that will best serve the government's interests. Gov't & Military Certification Sys., Inc., B-411261, June 26, 2015, 2015 CPD ¶ 192 at 7; SML Innovations, B-402667.2, Oct. 28, 2010, 2010 CPD ¶ 254 at 2.

Here, the record demonstrates that the agency's stated requirements are reasonable. As explained above, BEP provides the design, engraving, and printing of all United States paper currency and seeks to ensure registration of its environmental and management systems for its two printing facilities to the ISO 14001 and 9001 standards through the use of a third-party auditor. BEP explains

² GMCS argued in its protest that BEP should disclose the environmental complexity (risk) category assigned and the current ISO certificates to determine whether they are suspended, under threat of suspension or revoked, and if there are any exclusions to the standards. Protest at 2. GMCS acknowledges the amended solicitation addressed these issues. Response to Corrective Action at 1; see RFP at 8. These bases for protest are therefore dismissed as academic. See Dyna-Air Eng'g Corp., B-278037, Nov. 7, 1997, 97-2 CPD ¶ 132 (GAO will not consider a protest where the issue presented has no practical consequences with regard to an existing federal government procurement, and thus is of purely academic interest).

that the ISO 14001 and ISO 9001 management system standards are audited under the International Electrotechnical Commission (IEC) 17021 management standards and that IAF is the entity that “administers conformity with ISO standards, including IEC 17021.” AR, Tab 3 at 3. BEP further explains that it needs “a contractor with a demonstrated capability for certification to the management systems standard” as opposed to, for example, the product certification standard, because BEP is seeking “an audit of its ISO 9001 and ISO 14001 management systems”. AR at 2-3. Given the agency’s need for certification of its management systems, we find that the agency reasonably required accreditation from an entity with IAF membership in the management scope and sub scope.

As for requiring a certificate of accreditation that includes the printing code, BEP explains that this is necessary because its printing processes are highly specialized and “require the experience of a registrar who understands the high tolerance printing demands of security documents.” AR, Tab 10, Emails on Draft Solicitation at 2. In addition, BEP notes that it recently began a complete reinvention of its quality program, and the agency maintains that “[c]ontracting with a registrar, who did not understand [the printing] business, could be counterproductive to [BEP’s] ongoing quality efforts.” Id. Given BEP’s responsibility for printing United States paper currency, we see nothing unreasonable in the agency requiring, in a procurement for a contractor to maintain BEP’s registration, that the contractor possess a certificate of accreditation that includes the printing code.³

The protest is denied.

Susan A. Poling
General Counsel

³ GMCS makes several arguments that its accreditation by IAS meets these solicitation requirements, and expresses concern that the agency will fail to recognize this issue in its evaluation. Comments at 5-6. Protests that merely anticipate improper agency action in evaluating proposals are speculative and premature. Dayton-Granger, Inc.--Recon., B-246226.2, Feb. 28, 1992, 92-1 CPD ¶ 240 at 2. Consequently, there is no basis for us to consider the protester’s claims at this time.