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Decision

Matter of: govSolutions, Inc.

File: B-413166.3

Date: September 2, 2016

David A. Hearne, Esq., Outland, Gray, O'Keefe & Hubbard, for the protester.
Amy Laderberg O'Sullivan, Esq., and Olivia Lynch, Esq., Crowell & Moring LLP, for Corporate Spaces, Inc., the intervenor.
Ashley D. Dennis Presley, Esq., and Barbara Stuetzer, Esq., Department of Veterans Affairs, for the agency.
Paula J. Haurilesko, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the agency improperly rejected vendor's quotation for failing to provide a required certifying statement is denied where the record shows the protester did not provide a statement that it had the capability to provide the required services.

DECISION

govSolutions, Inc., of Virginia Beach, Virginia, protests the rejection of its quotation by the Department of Veterans Affairs (VA) under request for quotations (RFQ) No. VA119-16-Q-0072, for healthcare furniture and associated services.

We deny the protest.

BACKGROUND

The RFQ, issued to holders of the General Services Administration's (GSA) Federal Supply Schedule (FSS) contracts for Special Item Number (SIN) 70, Healthcare Furniture,¹ provided for the establishment of multiple blanket purchase agreements (BPA) for healthcare furniture and associated services for medical centers,

¹ The procurement was conducted under the procedures of Federal Acquisition Regulation (FAR) subpart 8.4.

community-based outpatient clinics, vet centers, and other outlying clinics and offices throughout the United States and its territories. The RFQ contemplated a period of performance of 1 base year and 4 option years. The services identified in the RFQ included basic design and layout, making installation drawings, taking field measurements, removing and relocating existing furniture, providing free storage, industrial design services, advanced project management services, and provision of a warranty, as well as delivery and assembly services. See RFQ, Statement of Work, at 28-41.

The RFQ stated that BPAs would be established with the vendors whose quotations offer the best value to the government, considering (in descending order of importance) technical capability, past performance, small business participation plan, and price. RFQ at 67. Under the technical capability factor, vendors were instructed to submit the following:

(1) a cross-referenced copy of product literature for all of the items listed in the Detailed Item Review Minimum Technical Requirements list, which included patient procedure area modular casegoods; lateral, metal files; caregiver team stations; various types of seating, tables, and carts; art; and privacy curtains;

(2) a copy of a spreadsheet indicating whether or not the vendor offers items that meet the requirements (entitled Minimum Technical Requirements Meet/Not Meet); and

(3) a “certifying statement indicating that they can meet all service requirements as defined in the [statement of work].”

Id. at 62. The RFQ stated that the government would evaluate the contractor’s self-certification to be able to meet all services as defined in the statement of work. Id. at 67.

The RFQ required vendors to complete a price schedule that would be used only for evaluation purposes. The price schedule included separate contract line item numbers (CLIN) for items on the Detailed Item Review Minimum Technical Requirements list as well as CLINs for industrial design services and installation services. See id. at 4-23.

The VA received 30 quotations, including the quotation of govSolutions. In the technical capability volume of its quotation, govSolutions submitted the Detailed Item Review Minimum Technical Requirements list, product literature, and a completed Minimum Technical Requirements Meet/Not Meet list. See Agency Report (AR), Tab 3, govSolutions Technical Capability Volume. govSolutions also submitted a cover letter with its quotation, which included the following:

Based on your requirements we will provide complete coordination from inception to completion of each task order on this Blanket Purchase Agreement (BPA), including coordinating order entry, production schedule and shipping with each manufacturer – this is standard on all jobs both large and small.

* * *

We acknowledge and have reviewed the Solicitation and Six Amendments and no exception has been taken.

Id. at 2-3.

The VA reviewed the quotation and assigned it an unacceptable rating for failing to include the self-certifying statement in the technical capability volume. AR, Tab 6, govSolutions Technical Evaluation Form, at 2. The agency established BPAs with five vendors: Corporate Spaces, Inc.; Goforth & Marti; JPL Associates LLC; King Business Interiors; and Zoom, Inc. AR, Tab 2, Unsuccessful Vendor Letter. After learning the basis for the rejection of its quotation, govSolutions filed this protest.

DISCUSSION

govSolutions maintains that the VA erroneously found its quotation unacceptable. The firm argues that the language in its cover letter met the requirement to provide a certifying statement that it can meet all of the service requirements identified in the statement of work. The protester asserts, in particular, that two sentences in its cover letter--which state that it will provide complete coordination, and which acknowledge and take no exception to the solicitation and amendments--provide the necessary assurances. govSolutions also asserts that other statements in its cover letter, such as discussion of its past performance, provide additional proof of its capabilities.²

Where, as here, an agency issues an RFQ to GSA FSS contractors under FAR subpart 8.4 and conducts a competition, we will review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. DigitalSpec, LLC, B-412344, Jan. 20, 2016, 2016 CPD ¶ 72 at 5. It is a vendor's responsibility to submit a well-written quotation for the agency to evaluate, and a vendor that fails to do so runs

² The protester provided a variety of explanations as to why its quotation met the RFQ's requirement for a certifying statement. We have considered all of the explanations, including those addressed in this decision, and find that none provide a basis for sustaining the protest.

the risk that its quotation will be evaluated unfavorably. InfoZen, Inc., B-408234 et al., July 23, 2013, 2013 CPD ¶ 211 at 5.

Based on the record before us, we find that the VA reasonably concluded that the protester did not provide the required certifying statement. The first statement in the cover letter that govSolutions identified above as providing the substance required by the RFQ refers to coordination services and does not make reference to the various other services required by the solicitation, such as design and layout services, relocation of existing furniture, and installation services. Likewise, the statement that the vendor acknowledges the solicitation and amendments, and takes no exceptions, does not specifically address the vendor's ability to provide the required services. Indeed, the RFQ specifically provided a page on which vendors were to acknowledge receipt of the amendments that was separate from the requirement for a certifying statement. See RFQ at 3.

With respect to the other statement in the cover letter that govSolutions asserts meets the intent of the RFQ requirement with respect to services, we again see no basis to conclude that the agency acted unreasonably in finding the protester's proposal did not provide the required certifying statement. For example, govSolutions identifies a statement concerning its past performance as providing assurances that it can meet the requirements. However, the protester's performance on prior contracts does not address its current ability to provide the services required under this solicitation.

To the extent that govSolutions argues that the cover letter in its entirety serves as its certifying statement, we note that the inclusion of a discussion of the protester's past performance and pricing in the cover letter suggest that--regardless of its placement after the cover sheet for the technical capability volume--the letter was in fact not meant to serve as the required certifying statement, or indeed to be specific to the technical capability volume.

In sum, we see nothing in the record before us to suggest that govSolutions provided a certifying statement that it had the ability to provide the services required by the statement of work, and therefore no basis to conclude that the agency erred in rejecting the protester's quotation.

The protest is denied.

Susan A. Poling
General Counsel