



# Decision

**Matter of:** Reagent World, Inc.

**File:** B-415489

**Date:** December 8, 2017

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Ron Tash, Reagent World, Inc., for the protester.  
Captain John M. McAdams, and Scott N. Flesch, Esq., Department of the Army, for the agency.  
Young S. Lee, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest challenging the agency's selection of a higher-priced, technically acceptable bid over the protester's lower-priced bid is denied where the agency reasonably found that the protester's bid failed to include material information required by the solicitation, and therefore was technically unacceptable.

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## DECISION

Reagent World, Inc., a small business of Irvine, California, protests the issuance of a purchase order to Altus Technical Solutions, LLC, a small business of Severn, Maryland, under solicitation No. W911S8-17-Q-2239-01, issued by the Department of the Army, for range target lifter installation parts and services. Reagent World challenges the Army's determination that its lowest-priced bid was technically unacceptable.

We deny the protest.

## BACKGROUND

The solicitation, which was posted to the Federal Business Opportunities (FBO)<sup>1</sup>

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<sup>1</sup> FedBizOpps has been designated as the government-wide point of entry (GPE)--that is, the single point where government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated

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website on September 28, 2017, was issued as a combined synopsis/solicitation under FAR Part 12, and conducted as a reverse auction buy on FedBid.<sup>2</sup> Request for Dismissal, exh. A, FedBidOpps Notice, at 1. Award was to be made to the lowest-priced, technically acceptable bid. Request for Dismissal, exh. B, FedBid Solicitation, at 3. The solicitation also stated that “[i]f the lowest priced [bid] is not technically acceptable, the vendor does not have acceptable or neutral past performance, or both, then the [g]overnment will evaluate the second lowest priced [bid] for technical acceptability and acceptable or neutral past performance.” Id.

As relevant to this protest, the FedBid solicitation included specific bid submission requirements pertaining to non-price information. In this regard, the solicitation contained four contract line item numbers (CLINs) that had to be delivered under the purchase order. Id. The first CLIN was for 84 “PC assembly, Data Line Protector, Part Number 20-3020 or Equal.” The solicitation’s instructions required offerors to provide detailed information describing exactly what products they intended to use to fulfill this requirement. Specifically, the FedBid instructions stated: “Sellers MUST enter exactly what they are bidding (including make, model and description) into the blank description field in order for the bid to be considered.” Id. at 2 (emphasis in original). The solicitation provided that, in place of the brand name, an “equal” item may be submitted as long as the proposed item met all of the “salient physical, functional, or performance characteristics.” Bidders were notified that the agency would evaluate any proposed “equal” item on the basis of information furnished by the seller. Id. The solicitation explicitly stated that the agency was “not responsible for locating or obtaining any information not identified in the [b]id.” Id.

Reagent World submitted a bid of \$39,999.02 before the solicitation’s September 29, 2017 closing date, and expressly indicated that it had “read and understood” the above instructions pertaining to the attachment when it submitted its bid. Request for Dismissal, exh. C, Reagent World Bid, at 1, 4-5. Upon review, the agency determined that Reagent World’s bid was technically unacceptable because it failed to describe what part would be provided to satisfy the requirements for CLIN 1 of the solicitation (PC assembly, Data Line Protectors, Part Number 20-3020 or Equal). Request for Dismissal, exh. D, Reagent World Technical Evaluation, at 1.

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information, can be accessed electronically by the public. Federal Acquisition Regulation (FAR) §§ 5.101, 5.102.

<sup>2</sup> FedBid, Inc., is a commercial online procurement services provider that operates a website at FedBid.com, which, among other things, hosts reverse auctions. FedBid refers to procurements conducted through its system as “buys” and a participant in the reverse auction is said to submit a “bid.” See FedBid FAQs (available online at [www.fedbid.com/buyers/getting-started/](http://www.fedbid.com/buyers/getting-started/))(last visited Dec. 8, 2017). In their filings, the parties refer to the competitors’ submissions here as bids.

On September 29, the Army posted a notice on the FBO website stating that the purchase order had been issued to Altus Technical Solutions, LLC, for a total price of \$52,877.75. Request for Dismissal, exh. A, FedBidOpps Notice, at 1. This protest followed on October 9.

## DISCUSSION

Reagent World argues that it should have received the purchase order because it proposed a lower price. The Army argues that it properly rejected the protester's lower-priced bid as technically unacceptable because it failed to describe what products it intended to use to fulfill the solicitation's requirements. In response, Reagent World maintains that its "ability to fulfill a diverse scope of projects at different magnitudes of complexity demonstrates" that it is technically capable. Response to Dismissal Request at 1. For the reasons that follow, we find that the Army reasonably rejected the protester's bid.<sup>3</sup>

A bid that fails to conform to a solicitation's material terms and conditions is unacceptable and may not form the basis for an award. See Technology and Telecomms. Consultants, Inc., B-413301, B-413301.2, Sept. 28, 2016, 2016 CPD ¶ 276 at 12. Material terms are those terms that affect the price, quantity, quality, or delivery of the goods or services being provided. See Bluehorse, B-412494, B-412494.2, Feb. 26, 2016, 2016 CPD ¶ 64 at 2-3.

The record shows--and Reagent World did not contend otherwise in its response to the agency's request for dismissal--that the protester did not include the required information to demonstrate how its submission met the solicitation's requirements. Rather, in responding to the agency's dismissal request, Reagent World asserts that it "is more than capable of performing this Range Target Lifter Installation project, as [it] has completed a variety of service projects in the past." Response to Dismissal Request at 1. The protester also provided a generic corporate capability statement with its response. Response to Dismissal Request, attach. 1, Reagent World Capability Statement, at 1-3. There is nothing in the record to establish that Reagent World provided any information in its bid to identify what product it intended to use to fulfill the solicitation's requirement of CLIN 1 to deliver 84 "PC assembly, Data Line Protectors, Part Number 20-3020 or Equal." Thus, consistent with the solicitation's instructions, the

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<sup>3</sup> The agency submitted a request for dismissal arguing, among other things, that the protester is not an interested party because its bid did not conform to the solicitation requirements. Although we resolve this protest on the merits, our Office did not request that the Army submit an agency report in response to the protest. Rather, the portions of the record submitted with the agency's request for dismissal clearly demonstrate that the protester's bid failed to include material information required by the solicitation. Moreover, as discussed in the decision, the protester's response to the dismissal request did not rebut the agency's assertion that Reagent World's bid failed to comply with the solicitation's requirements.

agency reasonably concluded that the protester's bid was technically unacceptable. See Reagent World, Inc., B-415490, Oct. 23, 2017, 2017 CPD ¶ 326 at 4; Technology and Telecomms. Consultants, Inc., supra.

Furthermore, the capability statement that the protester submitted does not cure the material bid deficiency for failing to include the detailed information required by the solicitation. In this regard, the capability statement merely discusses the protester's prior past performance and provides associated references. See Response to Dismissal Request, attach. 1, Reagent World Capability Statement, at 1-3. Nothing in the capability statement discusses the requirements of the solicitation at issue, let alone provides the missing detail that was expressly required by the solicitation. As such, our review of the record provides no basis to sustain the protester's challenge. See Reagent World, Inc., supra.

We deny the protest.

Thomas H. Armstrong  
General Counsel