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Decision

Matter of: Redhorse Corporation

File: B-417268

Date: March 21, 2019

Richard B. Oliver, Esq., and J. Matthew Carter, Esq., Pillsbury Winthrop Shaw Pittman LLP, for the protester.

Anuj Vohra, and Christian N. Curran, Esq., Crowell & Moring LLP, for Boston Government Services, LLC, the intervenor.

Stephanie B. Young, Esq., Christie M. Alvarez, Esq., and Adam DeDent, Esq., Department of Energy, for the agency.

Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest is denied where the record shows that the agency's best-value tradeoff analysis was reasonable and consistent with the evaluation criteria.

DECISION

Redhorse Corporation, of San Diego, California, protests the establishment of a blanket purchase agreement (BPA) with Boston Government Services, LLC (BGS), of Lenoir City, Tennessee, under request for quotations (RFQ) No. 89243418QEE000007, issued by the Department of Energy for mission-oriented technical support services. Redhorse alleges that the agency's source selection decision was unreasonable.

We deny the protest.

BACKGROUND

The RFQ, issued on June 21, 2018, was set aside for 8(a) small business vendors holding General Services Administration Federal Supply Schedule (FSS) 00CORP (Professional Services Schedule) contracts with various special item numbers (e.g., 520-12 (budgeting), 874-1 (integrated consulting services), and 871-211 (energy consulting services)). Combined Contracting Officer's Statement of Facts/Memorandum of Law (COS/MOL) at 2-3. The RFQ provided for the establishment of a BPA for mission-oriented technical support services to be performed over a 1-year base

period and three 1-year option periods. Agency Report (AR), Tab A.1, RFQ at 36. Orders would be issued on fixed-price or time-and-materials bases. Id. at 2-8. Award would be made on a best-value tradeoff basis considering management capabilities, staffing, experience, transition plan, past performance, and price factors. Id. at 29.

The agency received three quotations prior to the closing date of September 4, 2018. COS/MOL at 4. On January 17, 2019, the agency selected BGS for award because its quotation received the highest technical ratings and had the lowest evaluated price of \$23,069,828. AR, Tab F.1, Best Value Determination Memorandum at 7, 10. After learning that its quotation was unsuccessful, Redhorse filed the instant protest with our Office.

DISCUSSION

Redhorse alleges that the agency's source selection decision was unreasonable because the agency did not consider BGS's 8(a) program graduation date when comparing quotations.¹ Protest at 20. Redhorse asserts that BGS's graduation date from the Small Business Administration's 8(a) program will occur approximately 14 months into the performance period, and as a result, BGS will not be able to continue performance after that date. Protester's Comments at 5. In Redhorse's view, BGS will not be able to continue performance after its graduation because BGS will be required to certify its status at the time of each order placed under the BPA. Id. Based on its view, Redhorse argues that the agency should have considered the fact that BGS could only perform for 14 months, while Redhorse could perform for the entire 48 months, when comparing quotations to determine which quotation offered the best value.

Where, as here, an agency issues an RFQ to FSS contractors under Federal Acquisition Regulation (FAR) subpart 8.4 and conducts a competition, we will review the agency's source selection decision to ensure that the evaluation was reasonable and consistent with the terms of the solicitation. Phoenix Grp. of Virginia, Inc., B-407852, Mar. 12, 2013, 2013 CPD ¶ 80 at 5.

On this record, we find no merit to the protester's allegation because the solicitation did not require the agency to consider each vendor's future 8(a) eligibility when evaluating quotations. See NikSoft Sys. Corp., B-406179.2, Aug. 14, 2012, 2012 CPD ¶ 233 at 7 ("With regard to the establishment of BPAs under FSS procedures, the FAR requires that the agency establish the BPA with the contractor that provides the best value, considering price and other identified factors.") (emphasis added). Indeed, as the agency points out, none of the six specific evaluation factors required the agency to consider a vendor's future 8(a) eligibility. COS/MOL at 14; see also RFQ at 30. Furthermore, the agency argues that the solicitation advised that the Small Business

¹ In its protest, Redhorse alleged multiple protest grounds, arguing that the agency unreasonably evaluated BGS's quotation. The protester withdrew those allegations in its comments. Protester's Comments at 2 n.2.

Administration would make any 8(a) eligibility determination and therefore it would have been improper for the agency to evaluate BGS's future 8(a) eligibility when comparing quotations.² COS/MOL at 14. Accordingly, we deny the protest allegation because the record does not show that the agency's evaluation was inconsistent with the solicitation's terms.³

The protest is denied.

Thomas H. Armstrong
General Counsel

² We note that BGS's graduation date occurs in May 2020. Redhorse does not dispute that BGS would remain eligible for the duration of the base ordering period. Protester's Comments at 2-3. In view of BGS's eligibility for the base ordering period, the agency argues that award to BGS was proper because the solicitation does not require the agency to exercise any of the available option ordering periods. COS/MOL at 16.

³ In its protest, Redhorse argues, without citing any legal support, that the agency would not be able to issue any orders to BGS following its graduation from the 8(a) program. Protest at 20. In response, the agency argues that no regulation prevents the agency from exercising an option with BGS; rather, the agency explains that it would simply not be able to receive small business goaling credit for the exercised option. COS/MOL at 14-15.