



Decision

Matter of: Acon Traders, LLC

File: B-417558

Date: June 26, 2019

Venkatesh Thirumoorthi, for the protester.
Zachary Jacobson, Esq., and Theresa L. Hampson, Esq., Department of the Army, for the agency.
Mary G. Curcio, Esq., and Laura Eyester, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly rejected quotation from protester that was not registered in the system for award management when it submitted its quotation.

DECISION

Acon Traders, LLC, of Eagleville, Pennsylvania, protests the rejection of the quotation it submitted in response to request for quotations (RFQ) No. W912EF19Q0029, issued by the Department of the Army, Army Corps of Engineers, for programmable logic control (PLC) logic units. Acon complains that the agency improperly determined that it was ineligible for award because it was not registered in the system for award management (SAM) at the time it submitted its quotation.¹

We dismiss the protest.

On April 11, 2019, the Corps issued the RFQ, as a small business set-aside, to supply PLC logic units at Lower Granite Dam, a hydroelectric project owned and operated by the Corps. Request for Dismissal, att.1, RFQ, at 1, 3. The solicitation provided for award to the lowest-priced offeror that met or exceeded the solicitation requirements.

¹ Specifically, the protester argues that its quotation was rejected because it did not have a commercial and government entity (CAGE) code. To be registered in SAM, an offeror must have entered all mandatory information, including a CAGE code. FAR clause 52.204-7(a)(1).

Id. at 6; Request for Dismissal at 1. The solicitation required vendors to provide an Allen Bradley PLC System, and a SCADA hardware package. RFQ. at 3. The solicitation provided a list of items that offerors were to supply with the PLC system and the hardware package, and the specifications with which each item was required to comply. Id. at 3-4. The solicitation notified vendors that to be eligible for award, they must be registered in SAM at the time they submitted their quotation. Id. at 5, 15 (incorporating Federal Acquisition Regulation (FAR) 52.204-7 (Oct 2018)). Quotations were due on April 25. Id. at 1. Acon submitted its quotation prior to the due date for quotations. Id., attach. 2, Quotation.

The agency issued the award to Dax Automation on May 8. Request for Dismissal, attach. 4, Award Notice. Acon had submitted the lowest-priced quotation in response to the solicitation. Request for Dismissal at 2. Acon, however, was not registered in SAM at the time it submitted its quotation. Response to Request for Dismissal. As a result, Acon was determined to be ineligible for award. Request for Dismissal, att. 3, Notice of Rejection, at 1. Acon protests that its quotation was improperly rejected because it was registered in SAM by May 7, before the agency made the award.

Here, the solicitation stated that “[r]egistration at www.sam.gov is required. If not registered, please do so.” RFQ at 5. The solicitation also incorporated by reference FAR clause 52.204-7, which provides: “An Offeror is required to be registered in SAM when submitting an offer or quotation. . . .” FAR clause 52.204-7(b)(1).² Further, the solicitation included information as to how to register in SAM, and specifically advised vendors that “[l]ack of registration in the SAM database will make an offeror ineligible for award.” Id. Accordingly, since Acon was not registered in SAM when it submitted its quotation, Acon’s quotation was properly rejected.³

The protest is dismissed.

Thomas H. Armstrong
General Counsel

² We note that this clause was amended in late 2018 to “require[] all offerors. . . to be registered in SAM at the time of submission of an offer or quotation.” 83 Fed. Reg. 48691 (Sept. 26, 2018). In this regard, the FAR explains its policy on SAM registration as follows: “Offerors and quoters are required to be registered in SAM at the time an offer or quotation is submitted in order to comply with the annual representations and certifications requirement,” except in certain circumstances. FAR 4.1102(a).

³ In addition, Acon offered some equipment that failed to meet the specifications set forth in the solicitation. For example, vendors were required to provide a SCADA server with ready rails sliding rails with a cable management arm. RFQ at 4. Acon’s quotation indicated that Acon would supply a SCADA server without a cable management arm. RFD, att. 2, Quotation, at 45. Acon’s quotation therefore would not have been eligible for award in any case. See The Modal Shop, Inc., B-410173, Nov. 7, 2014, 2014 CPD ¶ 337 at 2.