

## Decision

**Matter of:** Mission1st Group, Inc.

**File:** B-419522

**Date:** March 15, 2021

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Justin A. Chiarodo, Esq., Stephanie M. Harden, Esq., and Oliver E. Jury, Esq., Blank Rome LLP, for the protester.

Erica A. Harder Smith, Esq., and Jonathan A. Hardage, Esq., Department of the Army, for the agency.

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### DIGEST

Protest challenging agency's elimination of proposal from consideration for failure to satisfy a material solicitation requirement is denied where record shows that protester, in fact, failed to satisfy the requirement.

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### DECISION

Mission1st Group, Inc. (MGI), of Arlington, Virginia, protests the elimination of its proposal from consideration under request for proposals (RFP) No. W52P1J-19-R-13MP, issued by the Department of the Army to acquire systems engineering and technical assistance, and program management office support services. MGI argues that the agency unreasonably eliminated its proposal for failing to include evidence demonstrating that the firm was International Organization for Standardization (ISO) 9001:2015 certified for the 2-year period preceding the deadline for submission of proposals.

We deny the protest.

This case involves just a single issue and the facts are not in dispute. The RFP contemplates the issuance of a task order for the solicited services.<sup>1</sup> Among other

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<sup>1</sup> The task order is being solicited under the Army's Computer Hardware, Enterprise Software and Solutions Information Technology Enterprise Solutions-3 multiple award indefinite-delivery, indefinite-quantity contract program. MGI's proposal was in the amount of \$81,982,228. Because the value of the solicited task order is in excess of

things, the RFP included a “go/no-go” evaluation factor requiring each offeror to possess a capability maturity model integration (CMMI) level II certificate, and also an ISO 9001:2015 certificate. Agency Report (AR), exh. 29. RFP, amend. No. 0002, at 17-18.<sup>2</sup> With respect to the latter requirement, the RFP required each offeror to provide a current, valid, dated certificate documenting that the prime contractor possessed an ISO 9001:2015 certificate for a period of two years prior to the deadline for submitting proposals. *Id.* The deadline for submitting proposals was October 5, 2020. AR, exh. 28, amend. No. 0002 Summary of Changes at 1. In effect, offerors were required to show that they possessed a current/valid ISO 9001:2015 certificate, and also that they had possessed one during the interval of October 5, 2018 to October 5, 2020.

In response to the RFP, MGI included only its current/valid ISO 9001:2015 certificate. AR, exh. 43, MGI Proposal, Vol. 1, CMMI/ISO Certification Volume at 5. That certificate was issued on December 27, 2019, and is valid for a 3-year period ending on December 26, 2022. *Id.* MGI provided no information in its proposal to show that it had possessed an ISO 9001:2015 certificate for the time period between October 5, 2018 and December 27, 2019. After examining the MGI proposal, the agency rejected it without further evaluation based on the firm’s failure to meet the RFP’s requirement to demonstrate that it had possessed an ISO 9001:2015 certificate for the 2-year time period specified (October 5, 2018 to October 5, 2020). After being advised of the agency’s rejection of its proposal and requesting and receiving a debriefing, MGI filed the current protest.

MGI argues that the agency erred in rejecting its proposal. MGI states that it reasonably read the RFP as requiring only that it provide its current/valid ISO 9001:2015 certificate, and not as also requiring it to submit outdated or expired certificates. MGI states that it has been ISO 9001:2015 certified since 2016, and that it would have included an expired certificate with its proposal had it understood the RFP to require its submission or, alternatively, had the agency simply requested that the certificate be provided after the submission of its proposal. MGI maintains that the RFP was latently ambiguous as to the requirement for any expired certificate.

We find no merit to MGI’s protest. A latent ambiguity exists where both the protester and the agency have reasonable interpretations of a solicitation term or requirement. *AECOM Management Services, Inc.--Advisory Opinion*, B-417506.12, Sept. 18, 2019, 2019 CPD ¶ 342 at 9 n.9. Where the protester’s interpretation of the solicitation is not reasonable, there is no basis for our Office to find that a latent ambiguity exists. *Id.*

Here, nothing is ambiguous about the RFP’s terms. The instructions to offerors provided as follows:

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\$25 million, our Office has jurisdiction to consider the protest. 10 U.S.C. § 2304c(e)(1)(B).

<sup>2</sup> The agency advises an updated version of the solicitation was issued in amendment 0002. All references to the RFP are to this amended version of the solicitation.

In order to be eligible for a TO [task order] award, an Offeror must possess a Capability Maturity Model Integration (CMMI) Level II or higher certification, and an International Organization for Standardization (ISO) 9001:2015 certification for a period of two years prior to the proposal due date listed above in Section B.3. *The prime KTR [contractor] shall provide dated certificates documenting these requirements with its proposal submission.* Note: The two years requirement is applicable to the ISO 9001:2015 certification ONLY and does NOT apply to the CMMI Level II certification.

RFP, amend. No. 0002 at 10 (emphasis in italics supplied).<sup>3</sup>

A plain reading of these instructions leads to only one reasonable conclusion, namely, that offerors were required to demonstrate that they had possessed ISO 9001:2015 certification for a period of 2 years prior to the deadline for submitting proposals, and that they should demonstrate compliance with this requirement by submitting one or more certificates.

A reading of the RFP's go/no-go evaluation factor confirms this conclusion:

*NO-GO: The Offeror did not provide a current/valid dated certificate documenting the requirement for CMMI Level III II or higher certification, AND / OR the Offeror did not provide a current/valid dated certificate documenting the requirement for ISO 9000 9001:2015 certification for a period of two years prior to the proposal due date, as a prime KTR [contractor].*

RFP amend. No. 0002, at 18 (emphasis in italics supplied).<sup>4</sup> Simply stated, a reading of the RFP shows unequivocally that it required offerors to demonstrate that they had possessed an ISO 9001:2015 certificate for a period of 2 years prior to the deadline for submission of proposals.<sup>5</sup> Because MGI's proposal did not meet this requirement, the agency properly rejected the proposal under the RFP's go/no-go evaluation criterion.

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<sup>3</sup> This clause in the amended RFP was a "red lined" version of this provision that deleted an earlier requirement that the CMMI certification be level III or higher, substituting a revised requirement for only level II certification; and also deleted a requirement for an ISO 9000 certificate, which was revised to a requirement for an ISO 9001:2015 certificate. We have deleted the "red lined" portions in the quotation above for clarity.

<sup>4</sup> Again, this was a "red lined" version of this clause and we have deleted the red lined portions for clarity.

<sup>5</sup> Elsewhere in the RFP's evaluation provisions, the agency stated that compliance with the certificate requirements would be used as a "down select" mechanism. RFP, amend. No. 0002, at 16.

As a final matter, MGI suggests that, since it submitted its current/valid ISO 9001:2015 certificate, the agency could have requested that it provide the earlier, expired certificate. However, inasmuch as the RFP specifically identified providing an ISO 9001:2015 certificate for the 2-year period preceding the deadline for proposal submission as a “go/no-go” requirement that would be used as a “down select” criterion, RFP, amend. No. 0002, at 16, 18, such a request on the agency’s part would have amounted to discussions. See *Ahtna-RDI JV, Inc.*, B-418012.6, B-418026.7, Jan. 5, 2021, 2021 CPD ¶ 14 at 6. In any event, even if we were to conclude that such a request would have amounted to only a clarification request rather than discussions, agencies are permitted--but not required--to afford offerors such clarifications before eliminating the proposal from further consideration. *Id.* In short, the fact that the Army did not seek the additional information from MGI does not provide a basis for our Office to object to its actions.

The protest is denied.

Thomas H. Armstrong  
General Counsel