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**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: Critical Incident Solutions, LLC

File: B-298077

Date: May 30, 2006

Robert L. Ford for the protester.

Davis Young, Esq., Department of the Navy, for the agency.

Katherine I. Riback, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably determined that the protester's quotation was unacceptable where the required resume of the proposed planner included in the quotation did not show that he had the required experience.

DECISION

Critical Incident Solutions, Inc. (CIS) protests the award of a contract to Applied Marine Technology, Inc. (AMTI) under request for quotations (RFQ) No. N00189-06-T-Z366, issued by the Department of the Navy for non-personal exercise and training planning services required by the Naval Explosive Ordnance Disposal Mobile Unit Two (EODMU2).

We deny the protest.

The global presence of EODMU2 personnel, coupled with their extended, accelerated, and unplanned deployment, have created urgent requirements in individual and detachment pre-deployment training schedules, since the attacks of September 11, 2001. To this end, the agency issued the RFQ, which sought a Senior EOD Exercise and Training Planner, who was to provide assistance with the development, coordination, execution and documentation of the EODMU2 pre-deployment training program. The planner's tasks include development and supervision of exercise scenarios based on real world intelligence and events, development of training programs, supervision of the scheduling of training areas, and drafting post-exercise reports. RFQ at 6-7.

The RFQ was issued to five vendors holding General Services Administration (GSA) Federal Supply Schedule (FSS) contracts. The RFQ listed two evaluation criteria, resumes and price. The RFQ stated that the resumes would be evaluated on a pass/fail basis, and that if the resume was determined to “fail,” then this would render the entire quotation “unacceptable.” RFQ at 4.

The RFQ’s resume requirements for the proposed planner were stated as follows:

The contractor [i.e., the planner] shall have experience in EOD operations and the asymmetrical Improvised Explosive Device (IED) threat. Of particular value in awarding of the contract is overseas EOD and IED related client support in Iraq and Afghanistan. Specifically, the contractor shall have experience with the Combined Exploitation Cell, Counter-IED technology, and IED/WMD [weapons of mass destruction] detect and defeat programs. The contractor shall also have Subject Matter Expert (SME) reach-back capabilities to assist with technical issues ranging from bench-level scientific and literary research to military specialties such as Special Operations Force (SOF) and EOD. The contractor shall have, at a minimum, 15 years experience in US Naval EOD and have qualified as a Navy Explosive Ordnance Disposal Master Technician. The contractor shall have prior experience in the field of military training and the evaluation of EOD training operations.

RFQ at 4. The RFQ further instructed potential vendors:

Quoters are required to submit resumes on the form provided as Attachment 1, Resume Form which will be used to assess the quoter’s capability to perform tasks described in the Statement of Work.

RFQ at 9. The resume form stated that “[r]esume length must not exceed the provided three (3) pages (exclusive of the cover sheet).” RFQ, attach. 1, at 2.

CIS and AMTI were the only vendors that responded to the RFQ. CIS’s quotation not only included a 4-page resume, but also 92 pages of additional informational materials.¹ The agency determined that CIS’s quotation was technically unacceptable, based on its review of the resume, which did not indicate that the

¹ The protester asserts that the additional 92 pages of material should have been considered in the evaluation. While it is not clear under the terms of the RFQ that this material should have been considered by the agency, the record indicates that the evaluators in fact did consider this material in the final evaluation of the quotations.

proposed planner had the required experience with the Combined Exploitation Cell, Counter-IED technology, and IED/WMD detect and defeat programs; had experience in overseas EOD operation and the asymmetrical IED threat client support in Afghanistan and Iran; or was qualified as a Navy Master EOD Technician.

In contrast, AMTI's slightly higher-priced quotation included a 4-page resume, from which the agency determined that the proposed planner met all of the requirements. The agency therefore determined that AMTI represented the best value to the government and made award to that firm. CIS then filed this protest, challenging the agency's evaluation of the resume of its proposed planner.²

The FSS program, directed and managed by GSA, gives federal agencies a simplified process for obtaining commonly used commercial supplies and services. Federal Acquisition Regulation (FAR) § 8.402(a). Where, as here, an agency issues an RFQ under FAR Subpart 8.4 and conducts a competition (see FAR § 8.405-2), we will review the record to ensure that the agency's evaluation is reasonable and consistent with the terms of the solicitation. See RVJ Int'l, Inc., B-292161, B-292161.2, July 2, 2003, 2003 CPD ¶ 124 at 5. In such a competition, it is the vendor's burden to submit a quotation that is adequately written and establishes the merits of the quotation, or run the risk of the agency rejecting the quotation as technically unacceptable. Verizon Fed., Inc., B-293527, March 26, 2004, 2004 CPD ¶ 186 at 4; Godwin Corp., B-290291, June 17, 2002, 2002 CPD ¶ 103 at 4.

The solicitation here included detailed requirements that a resume had to meet to obtain an evaluation of "pass," including that the proposed planner "shall have experience with the Combined Exploitation Cell, Counter-IED technology, and IED/WMD detect and defeat programs." RFQ at 4. As noted, the agency found that the resume for CIS's proposed planner did not show this required experience. CIS, in its comments on the agency report, does not argue that its 4-page resume listed such experience. Instead, CIS argues that the additional information it submitted with its quotation "implie[d] experience relative to the asymmetrical IED threat . . . and the global war on terrorism." Protester's Comments at 4. Our review of the record reveals that the additional materials that CIS submitted with its quotation at best only implied the planner may have had such experience. Based on our review, we do not find unreasonable the agency's determination that the resume provided

² To the extent that CIS also contends that the evaluation criteria were ambiguous because they lack "objective quantitative rating criteria for the evaluation of the resumes," its protest is untimely and will not be considered. Protest at 5. Protests of alleged solicitation improprieties, to be timely, must be raised prior to the closing time for receipt of proposals. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2006).

for CIS's proposed planner "failed" and CIS's quotation was therefore properly rejected as unacceptable.³

CIS also generally questions the agency's evaluation of the resume of AMTI's proposed planner (which it has not seen) and speculates that AMTI's proposed planner's resume also may not have shown the required experience. We have reviewed the agency's evaluation of this individual's resume (in camera due to the absence of a protective order) and have found no basis to question the agency's evaluation in this regard.

The protest is denied.

Anthony H. Gamboa
General Counsel

³ In light of our determination that the agency reasonably concluded that the resume of CIS's proposed planner did not show the required experience with the Combined Exploitation Cell, Counter-IED technology, and IED/WMD detect and defeat program, we need not address CIS's remaining allegations regarding the agency's evaluation of the resume.