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Decision

Matter of: Palladian Partners, Inc.

File: B-402003; B-402003.2

Date: December 24, 2009

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participated in the preparation of the decision.

DIGEST

Protest that agency misevaluated protester's quotation under key personnel and professional staff factor is denied where record shows evaluation was unobjectionable.

DECISION

Palladian Partners, Inc., of Silver Spring, Maryland, protests the decision of the Department of Justice not to establish a blanket purchase agreement (BPA) with Palladian under request for quotations (RFQ) No. OJP 2009Q_028, for conference planning and logistical support services. Palladian asserts that the agency misevaluated its quotation.

We deny the protest.

The RFQ contemplated establishing multiple BPAs under the successful firms' Federal Supply Schedule (FSS) contracts for a period of 3 years. Selection was to be on a "best value" basis considering cost/price and the following equally-weighted non-cost/price factors: past performance, corporate experience, technical understanding, management approach, key personnel/professional staff, and quality control. Technical merit was more important than cost/price. RFQ at 1.

In response to the RFQ, the agency received a number of quotations, including the protester's. The agency evaluated the quotations and assigned adjectival ratings of exceptional, acceptable, marginal or unacceptable for each factor. The agency assigned Palladian's quotation an unacceptable rating under the key personnel/professional staff factor based on its finding that three of the six resumes included in Palladian's quotation failed to show that the proposed individuals had the qualifications required by the solicitation. Agency Report (AR), exh. 5, at 4. Based on this unacceptable rating, the agency determined that Palladian was not in line for a BPA. Id. at 6. The protester challenges the agency's evaluation conclusions with respect to all three of the proposed individuals.

In considering protests challenging an agency's evaluation of proposals, we will not reevaluate proposals; rather, we will examine the record to determine whether the agency's evaluation conclusions were reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. Engineered Elec. Co. d/b/a/ DRS Fermont, B-295126.5, B-295126.6, Dec. 7, 2007, 2008 CPD ¶ 4 at 3-4.

We have no basis to object to the agency's evaluation here. Despite the protester's assertions to the contrary, the record shows that the agency reasonably concluded that several of the protester's proposed personnel did not meet the RFQ's requirements for education and/or experience. For example, the RFQ required that the proposed project manager have a combination of 10 years of conference and trade show management experience, including 3 years of recent experience in a management or supervisory capacity and 3 years of experience in the functional area of the project to be managed. RFQ at 5. The protester maintains that its proposed project manager's resume clearly shows that she has the requisite experience because she was the conference center manager for the SHS division of ORC Macro from 1998 to 2006, and has worked as a project director for Palladian since then. However, the agency found that the project manager's resume did not show this experience. Specifically, although the resume represented that the proposed individual was the "conference center manager" for the SHS division of ORC Macro, additional information in the resume appeared to contradict this representation. Specifically, the resume shows as follows:

1998-2006: Conference Center Manager, SHS Division of ORC Macro, Rockville, MD

2003-2006: Training and Technical Assistance Manager, SHS Division of ORC Macro, Rockville, MD

2002-2003: Multicultural Outreach Specialist, SHS Division of ORC Macro, Rockville, MD

2001-2002: Hispanic/Latino Initiative PR Events Manager, SHS Division of ORC Macro, Rockville, MD

1998-2001: Materials Development and Marketing Support Intern, SHS
Division of ORC Macro, Rockville, MD

AR, exh. 4, BATES 171. Based on this information, the agency's evaluators concluded that Palladian's proposed project manager lacked the required 10 years of conference and trade show management experience. AR, exh. 9, at BATES 265, 282, 299, 317. Based on this resume information, we have no basis to question the agency's conclusion regarding the experience of Palladian's proposed program manager.

As another example, the RFQ specified that the training coordinator would be responsible for, among other things, selecting instructional methods that meet the needs of prospective training requirements, designing curricula, and developing teaching outlines. RFQ at 6. The RFQ therefore required that any proposed training coordinator have either a bachelor's or associate degree, or a combination of education, training or certification that would provide the requisite knowledge, skills and abilities to perform the training coordinator function. Id.

The resume furnished for Palladian's proposed training coordinator showed that she did not have a bachelor's or associate degree, and that any formal education was not in a field germane to the training coordinator function under the contract. Rather, her listed education included only "general studies" at a community college and an "anticipated" bachelor's degree in the area of business administration and human resource management, neither of which the agency found to reflect training or expertise in the areas of curriculum design or development or in selecting instructional methods. AR, exh. 4, at BATES 176. The resume goes on to list various nonspecific and unattributed training in a variety of areas, including:

Working with Hotels; Conference Planning Management; The Site Selection Process; Presentation Skills; Coaching; A Strategic Tool for Effective Leadership; Instructional Design for Trainers; Leadership; Legal Issues for Managers; OSHA; Maximizing Performance; People Management Essentials for Contact Centers; Problem Solving & Decision Making; Power, Presence & Performance; Win/Win Negotiation; and Building Trust in the Workplace.

Id. In terms of experience, the resume listed only a brief interval as an information technology trainer from April to June of 2005, and a nonspecific statement that the individual was a "service center trainer" for the Association for Supervision and Curriculum Development from 1998 to 2005. AR, exh. 4, at BATES 177.

The evaluators concluded that Palladian's proposed training coordinator did not have relevant required experience, AR, exh. 9, at BATES 265; that she lacked a bachelor's or associate degree, and appeared to have been a helpdesk trainer in the past, id., at BATES 282; that she did not have relevant

training experience or demonstrated knowledge or experience in designing curricula and delivering courses, and that training end users in MS Outlook and MS Office or in telephone techniques was not related to the subject requirement, id., at BATES 299; and that she lacked any academic background in curriculum development, adult learning theory or practice. Id., at BATES 317. The protester does no more than generally disagree with the agency's conclusions; it has not offered evidence refuting the agency's evaluation conclusion. Such mere disagreement is insufficient to show that the evaluation was unreasonable. Detica, B-400523, B-400523.2, Dec. 2, 2008, 2008 CPD ¶ 217 at 6.

We conclude that there was a reasonable basis for the agency to rate Palladian's quotation unacceptable under the key personnel/professional staff factor and, therefore, to conclude that the quotation did not warrant establishing a BPA with Palladian.

Palladian asserts that the agency evaluated quotations disparately, claiming that the firms that received BPAs do not have labor categories under their FSS contracts matching the categories under the RFQ; that they therefore likely did not propose personnel meeting the RFQ requirements; and that their quotations nevertheless were not downgraded in a manner similar to Palladian's. This assertion is entirely speculative; it is based solely on the essentially generic labor categories included in the successful firms' FSS contracts, as opposed to their actual proposed personnel. Speculative assertions such as this fail to state a valid basis of protest. Team BOS/Naples--Gemmo S.p.A./DelJen, B-298865.3, Dec. 28 2007, 2008 CPD ¶ 11 at 9-10.

Finally, Palladian asserts that the agency failed to evaluate the reasonableness of the price of one of the awardees. According to the protester, had the agency performed such a price reasonableness evaluation, it would have found its price unreasonably low. However, the purpose of a price reasonableness evaluation is to ensure that a proposed price is not too high, not to ensure that it is not too low. Sterling Servs., Inc., B-291625, B-291626, Jan. 14, 2003, 2003 CPD ¶ 26 at 3. Consideration of whether a price is too low is a matter of price realism. Given that the solicitation did not provide that the agency would conduct a realism evaluation, or otherwise would consider whether prices were unrealistically low, the agency's alleged failure to do so fails to state a valid basis of protest.

The protest is denied.

Lynn H. Gibson
Acting General Counsel