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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Draughn & Associates

File: B-297702; B-297702.2

Date: February 15, 2006

Joseph D. Gebhardt, Esq., Gebhardt & Associates, for the protester.
Byron W. Waters, Esq., U.S. Department of Agriculture, Animal and Plant Health Inspection Service, for the agency.
Scott H. Riback, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency properly rejected protester's quotation where it reasonably determined that quotation failed to describe how solicitation's requirements would be met, as required by terms of solicitation.

DECISION

Draughn & Associates protests the issuance of delivery orders to three other vendors under U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service request for quotations (RFQ) No. 042-M-APHIS-05, for equal employment opportunity (EEO) investigative services. Draughn asserts that the agency improperly declined to consider its quotation.

We deny the protest.

The RFQ sought quotations from vendors holding contracts under the General Services Administration's (GSA) Federal Supply Schedule (FSS) for EEO investigative services. As many as three indefinite-delivery, indefinite-quantity delivery orders were to be awarded to the vendors whose prices were lowest among those whose quotations were found to be technically acceptable (based on criteria not relevant here). Vendors were required to submit a detailed description of their capabilities to establish their ability to meet the technical evaluation criteria. RFQ at 1-2. A pricing schedule, as well as representations and certifications, were also to be submitted. The RFQ was posted on the GSA Advantage on-line e-Buy quotation system, and quotations were to be submitted electronically by May 26, 2005.

Draughn states that it submitted a quotation electronically on May 24. Draughn also states that it contacted the agency on July 7 to inquire about the status of its quotation, and was advised by the contracting officer that it had not been received. On July 8, the protester submitted a letter to the agency to which it appended a table of prices for the RFQ requirements. On July 12, the protester was advised that its quotation would not be considered, and that the agency had issued four delivery orders to other vendors that were determined to have offered the lowest priced, technically acceptable quotations. The protester states that, subsequently, toward the end of November, it became aware of the successful vendors' pricing, and that its quoted pricing was lower. Shortly thereafter, Draughn filed this protest with our Office.

Draughn maintains that it should have been awarded a delivery order based on the allegedly advantageous pricing it submitted with its July 8 letter to the agency.

This argument is without merit. As noted, the RFQ required, among other things, that vendors include with their quotations a detailed description of their capabilities to meet the RFQ's technical evaluation criteria. The record shows that Draughn did not submit any information relating to its capabilities at the time it submitted its pricing information. The record further shows that the agency specifically considered Draughn's failure to submit information relating to its technical capabilities in its decision not to make an award to the vendor. Agency Price Negotiation Memorandum at 4-5. In the absence of the required information, there was no basis for the agency to find Draughn's quotation technically acceptable. CDS Network Sys., Inc., B-281200, Dec. 21, 1998, 98-2 CPD ¶ 154 at 3 (the absence of required information from a quotation properly found by agency to render quotation technically unacceptable).

Draughn also seems to suggest that, because it previously performed work for the agency, its capabilities were known to the agency, and this should have been sufficient for the agency to find Draughn's quotation technically acceptable. However, it is generally proper for agencies to evaluate proposals or quotations based solely on the information submitted, and we believe that is the case here. Possehn Consulting, B-278579, Jan. 9, 1998, 98-1 CPD ¶ 10 at 4-5. Accordingly, the agency's supposed prior knowledge of Draughn's capabilities did not require the agency to find Draughn's quotation acceptable. It follows that there is no basis for us to find the agency's actions unreasonable.

The protest is denied.

Anthony H. Gamboa
General Counsel