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**Comptroller General  
of the United States**

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

## Decision

**Matter of:** Impact Resource Technologies

**File:** B-407259.2

**Date:** December 4, 2012

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David J. Seidman, Esq., Seidman & Associates, P.C., for the protester.  
Lisa L. Baker, Esq., United States Marine Corps, for the agency.  
Noah B. Bleicher, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel,  
GAO, participated in the preparation of the decision.

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### DIGEST

Protest of agency's time extension for the receipt of quotations following a solicitation amendment is denied where the protester has not shown the extension to be unreasonable.

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### DECISION

Impact Resource Technologies ("IR Tech"), of Bethesda, Maryland, protests the terms of request for quotations (RFQ) No. M67854-12-Q-4910, issued by the United States Marine Corps, for information technology-related services. IR Tech argues that the agency's extension for the receipt of quotations following an RFQ amendment was inadequate.

We deny the protest.

The agency issued the RFQ on August 1, 2012, seeking quotations from vendors holding General Services Administration Federal Supply Schedule (FSS) "IT-70" contracts. RFQ at 1, 47; Agency Report (AR) at 2. The selected vendor would operate, maintain, and enhance the Marine Corps recruiting information support system (MCRISS).<sup>1</sup> RFQ at 47; Statement of Objectives (SOO) at 3. The RFQ contemplated the issuance of a fixed-price task order with an 8-month base period of performance and three 12-month option periods. RFQ at 44, 47.

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<sup>1</sup> The objective of the MCRISS is to operate, maintain, enhance, and streamline the Marine Corps' recruiting scheduling process. RFQ at 43.

The RFQ stated that quotations would be evaluated on a best value basis, considering the following evaluation factors in descending order of importance: technical approach, management approach, past performance, and cost/price. Id. at 55. The RFQ also required that vendors include in their quotations a “copy of the Offeror’s [Capability Maturity Model Integration] CMMI Appraisal Disclosure Statement (ADS) confirming the Level III certification of the Offeror’s organization performing the MCRISS work.” Id. at 50. According to the protester, CMMI is a model that an organization can follow to increase its performance or improve a process. Protest, October 30, 2012, at 2.

IR Tech--which does not possess a CMMI Level III ADS--filed a protest with our Office on August 30, 2012, objecting to the RFQ’s CMMI Level III ADS requirement. Id. at 4. Specifically, IR Tech argued that the CMMI requirement was unduly restrictive of competition and that the RFQ did not actually require the awardee to perform in accordance with CMMI Level III requirements. Id. at 4. IR Tech also complained that the requirement was ambiguous because the RFQ did not specify which CMMI model (of three options) was applicable. Id. at 5.

In response to IR Tech’s protest, the agency took corrective action by amending the RFQ. In this respect, on August 31--the day after IR Tech’s protest was filed--the agency amended the RFQ’s CMMI Level III ADS requirement to allow a vendor to describe how their proposed processes were equivalent to the CMMI Level III processes (instead of actually holding the certification). RFQ amend. 2, at 9. The RFQ amendment also clarified and updated other provisions related to the CMMI Level III ADS requirement. See RFQ amend. 2, at 10, 16. As relevant here, the agency extended the deadline for the submission of quotations until 9:00 a.m. on September 7. RFQ amend. 2, at 6. Because the agency’s corrective action rendered IR Tech’s August 30 protest academic, we dismissed the protest. See Info. Res. Techs., B-407259, Sept. 4, 2012.

On September 6, IR Tech filed this protest with our Office, arguing that the agency did not provide sufficient additional time for IR Tech to submit a quotation. IR Tech contends that the short response time is unduly restrictive of competition, unfair, and violates the requirement of Federal Acquisition Regulation (FAR) § 5.203(b) that agencies allow contactors a reasonable time to prepare quotations.

As an initial matter, we do not see, and the protester has not explained, how the synopsis requirements of FAR subpart 5.2 apply to a procurement conducted as an FSS buy. In this regard, FAR § 8.404(a) expressly states that ordering activities need not synopsise requirements since the requirements for full and open competition are considered to have been met. FAR § 8.404(a); see Warden Assocs., Inc., B-291440, B-291440.2, Dec. 27, 2002, 2002 CPD ¶ 223 at 2-3. As we have previously stated, FAR subpart 8.4 does not require that vendors be permitted a specific minimum amount of time to respond to an RFQ; what is

reasonable and sufficient depends on the facts and circumstances of each case. Warden Assocs., Inc., supra.

Here, the RFQ was initially issued on August 1 and amended on August 31, in response to IR Tech's initial protest. That amendment made no significant changes to the MCRISS requirements, except to modify the CMMI requirement, and permitted vendors 7 additional days to submit a quotation.<sup>2</sup> The protester claims that responding to the RFQ is a "substantial undertaking" that requires at least 30 days. Comments at 4-5. However, the total response time provided here was 37 days. That the protester chose not to put any effort into preparing a quotation until the agency amended the solicitation to revise the CMMI requirement does not compel the conclusion that additional time is required or that the agency's time extension was unreasonable. See Warden Assocs., Inc., supra (finding that 3 days to respond to RFQ was reasonable). Moreover, the agency received four other responsive quotations prior to the RFQ's deadline, thus showing that competition was not unduly restricted. See AR at 3. Under the circumstances, we find that the time set for responding to the RFQ amendment was reasonable, not unfair or unduly restrictive of competition, and in accordance with the FAR.<sup>3</sup>

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>2</sup> IR Tech complains that it was only permitted 3 days to respond to the RFQ amendment because it did not actually receive notice of the agency's corrective action until September 4. The RFQ amendment here was posted to the e-Buy portal. This portal is specifically designated in FAR subpart 8.4 as GSA's electronic RFQ system where ordering activities post requirements. FAR § 8.402(d). IR Tech has offered no explanation why it did not check the e-Buy portal for amendments.

<sup>3</sup> We have reviewed the protester's allegation that the solicitation amendment evidences inadequate market research, and other related arguments, and find no merit to these assertions.