



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Knome Inc.
File: B-407619
Date: January 17, 2013

James Therrien for the protester.
Bridget E. Grant, Esq., Dennis Foley, Esq., and Carrie Parrish, Esq., Department of Veterans Affairs, for the agency.
Gary R. Allen, Esq., Christina Sklarew, Esq., and Guy R. Pietrovito, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester's challenge to agency's evaluation of its proposal is denied where record shows that the evaluation was reasonable and consistent with terms of solicitation.

DECISION

Knome Inc., of Cambridge, Massachusetts, protests the award of a contract to Personalis, Inc., of Palo Alto, California, under request for proposals (RFP) No. VA-240-12-R-0154, issued by the Department of Veterans Affairs (VA) for whole human genome sequencing services in support of the VA's Genomics Medicine Program. The protester challenges the evaluation of its technical proposal.

We deny the protest.¹

BACKGROUND

The RFP, issued under the commercial acquisition procedures of Federal Acquisition Regulation (FAR) Subpart 12.6, provided for the award of one or more indefinite-delivery/indefinite-quantity contracts for whole human genome sequencing

¹ Because a protective order was not issued in connection with the protest, our decision is necessarily general.

services supporting the VA's Genomics Medicine Program.² Offerors were informed that award or awards would be made on a best value basis, considering the following factors: price, technical, past performance, and socio-economic status. RFP at 66-67. The technical factor included three subfactors: understanding and compliance with requirements; readiness (to begin performance immediately following award); and DNA sample security plan.³ Price was considered to be significantly more important than all of the non-price factors, combined. Id. at 67. Offerors were warned that only proposals that were evaluated as acceptable under the technical factor and its subfactors would be considered for award.⁴ Id. at 69.

The RFP provided instructions for the preparation of proposals. With respect to the technical subfactors, offerors were asked to address in sufficient detail each work area and solicitation requirement to demonstrate a clear understanding of the statement of work and specific tasks. As relevant here, with respect to the offerors' DNA sample security plan, the RFP required offerors to

outline in their response[s] their planned methods for handling and securing of samples, related papers and electronic documents. This plan is to be required at the time of submitting a proposal. This plan will be approved and finalized prior to contract award.

Id. at 68.

The RFP provided details of the standards that contractors would be held to in performance of the requirement. For example, concerning the destruction of electronic data, the RFP stated that this requirement must be done in accordance with, among other things, VA Handbook 6500.1, Electronic Media Sanitization. Id. at 7. Similarly, the RFP specified that electronic storage media used on non-VA

² As part of its Million Veteran Program, a national research program that is the cornerstone of the Genomic Medicine Program, the VA is establishing a data base containing annotated whole human genome sequences and health data from veterans. See RFP, Performance Work Statement, at 21.

³ One of the required tasks in the RFP's performance work statement was for the destruction of unused DNA samples and DNA sequence data. See RFP, Performance Work Statement, at 24.

⁴ The RFP provided that proposals would be evaluated under the technical factor as outstanding, good, acceptable or unacceptable. As relevant here, an unacceptable rating reflected a proposal that contained a major error, omission, or deficiency that indicated a lack of understanding or an approach that could not be expected to meet requirements. RFP at 70.

information technology equipment must be sanitized, for example at the completion or termination of the contract, in adherence with VA Handbook 6500.1. Id. at 11.

The agency received three proposals in response to the RFP, including those of Knome and Personalis, which were evaluated by the agency's source selection evaluation board. The agency included all offers within the competitive range and conducted written discussions. Knome was informed that its proposal contained weaknesses that needed to be addressed, including that it often restated the solicitation requirements without providing details to show its understanding and compliance. With respect to the DNA sample security plan subfactor, the agency specifically indicated to Knome that its proposal lacked information on what assurances and processes would be in place for destruction of samples and data, and notification to the agency. See Agency Report (AR), Tab 7, Knome Discussions Letter, at 2-3.

Knome's final proposal revision addressed many of the agency's concerns. However, with respect to destruction of samples and data, Knome stated only that it would destroy DNA samples by bleaching them. Knome did not define what it meant by bleaching or the process it would use to do so. Similarly, concerning data destruction, Knome simply noted that it would erase data from its subcontractor's systems, without any indication of the processes it would use, or how it would assure that data had been erased. See AR, Tab 8, Knome Final Proposal Revision, at 5.

The evaluators found that Knome's revised response to the DNA sample security plan only restated the solicitation requirements without addressing the agency's concerns about Knome's lack of detail with respect to its destruction processes. The evaluators concluded that Knome's response was unacceptable, and that Knome's proposal was therefore technically unacceptable under the DNA sample security plan subfactor. See AR, Tab 9, Final Evaluation Report, at 3. Consistent with the terms of the RFP, the agency determined that Knome's proposal could not be considered for award, based on its unacceptable rating for the technical factor.

The VA selected the proposal submitted by Personalis as reflecting the best value to the agency. Knome's lower-priced proposal (\$1.4 million as compared to the awardee's \$1.53 million proposal) was rejected as unacceptable. AR, Tab 10, Source Selection Decision, at 12-13. Award was made to Personalis, and this protest followed a debriefing.⁵

⁵ The third offeror's substantially higher-priced proposal was found to be unreasonably priced.

DISCUSSION

Knome objects to the agency's evaluation of its proposal as unacceptable. With respect to its response to the DNA sample security plan subfactor, the protester contends that its response was acceptable, stating that it clearly informed the VA that it would destroy DNA samples, erase data, and inform the VA.⁶ Comments at 4.

The VA acknowledges that Knome informed the agency that it would destroy DNA samples and electronic data and would inform the VA, but states that Knome failed to address in its proposal or in its response to discussions how this would be accomplished. Contracting Officer's Statement at 6. The agency notes that the RFP requires that contractors follow certain destruction procedures to ensure compliance with VA Handbook 6500.1. Supp. AR at 2. In its initial proposal, Knome merely provided general descriptions of its methods for disposal and destruction of data and samples, without any reference to the VA Handbook. Id. at 3, citing Protester's Proposal at 17. The agency states that even after discussions Knome failed to provide a sufficient description of how data would be destroyed, or to address the requirements of VA Handbook 6500.1.

In reviewing protests of alleged improper evaluations and source selection decisions, it is not our role to reevaluate proposals. Rather, we will examine the record to determine whether the agency's judgment was reasonable and in accord with the stated evaluation criteria and applicable procurement laws and regulations. See Abt Assocs. Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223 at 4. It is an offeror's obligation to submit an adequately written proposal for the agency to evaluate. United Def. LP, B-286925.3 et al., Apr. 9, 2001, 2001 CPD ¶ 75 at 19. Furthermore, a protester's disagreement with the evaluation is not sufficient to render it unreasonable. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

Here, our review of the record indicates that Knome failed to adequately address the agency's concerns over Knome's lack of detail, even though it was given the opportunity to do so. Knome's disagreement with the agency's evaluation does not

⁶ In supplemental comments filed in response to the agency's supplemental report, Knome argues, for the first time, that the agency's discussions were misleading. Specifically, Knome complains that during discussions it was informed that its response to the DNA sample security plan subfactor was a weakness, and that its proposal was unacceptable. Supp. Comments at 1. This complaint is untimely. Because Knome learned at its debriefing that its proposal was found unacceptable under this subfactor, Knome should have raised the challenge to the adequacy of discussions in its initial protest. 4 C.F.R. § 21.2(a)(2) (2012).

provide a basis for our Office to find the agency's evaluation unreasonable, or otherwise improper. Ben-Mar Enters., Inc., supra.

The protest is denied.

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General Counsel