



Decision

DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Matter of: AmVet Technologies, LLC

File: B-415150.2; B-415150.3

Date: June 5, 2018

Peter A. Fish, Esq., J. Patrick McMahon, Esq., and William T. Welch, Esq., McMahon, Welch and Learned, PLLC, for the protester.
Stephanie B. Young, Esq., Kevin R. Hilferty, Esq., and H. Jack Shearer, Esq., Department of Energy, for the agency.
Heather Weiner, Esq., and Jennifer D. Westfall-McGrail, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably determined that resume provided in vendor's quotation showed that program manager candidate lacked qualifications specified in solicitation for the position, and thus, evaluation of protester's quotation as unacceptable was reasonable, supported by the record, and consistent with the solicitation.

DECISION

AmVet Technologies, LLC, of Las Vegas, Nevada, protests the establishment of a Federal Supply Schedule (FSS), blanket purchase agreement (BPA) with Evoke Research and Consulting, LLC, of Arlington, Virginia, under request for quotations (RFQ) No. DE-SOL-0009586/eBuy RFQ 1183553, issued by the Department of Energy (DOE), for policy, strategy, and governance support services (PSGSS). AmVet challenges the agency's evaluation of quotations and the source selection decision.

We deny the protest.

BACKGROUND

On April 10, 2017, DOE posted the RFQ on the General Services Administration's (GSA) e-Buy website. The solicitation was issued as a small business set-aside under the FSS procedures of Federal Acquisition Regulation (FAR) subpart 8.4.¹ RFQ at 275.

¹ Specifically, the solicitation was limited to service-disabled veteran-owned small business (SDVOSB) vendors holding contracts under Schedule No. 70, information

(continued...)

The RFQ anticipated establishing a BPA consisting of a base year, and four 1-year options, with an estimated total value for all orders placed of \$65 million.

The RFQ provided that the BPA would be established on a best-value tradeoff basis, considering the following factors, in descending order of importance: technical approach, management approach, past performance, and price. Id. at 313-14. As relevant here, under the management approach factor, the RFQ provided for the evaluation of three elements: key personnel, staffing plan, and corporate experience. With regard to key personnel, the solicitation identified the program manager as a key position, and instructed vendors to submit a resume for the candidate proposed for this position. The RFQ provided that a quotation would be rated unacceptable if it “does not meet requirements and contains one or more deficiencies.” Id. at 315. The solicitation further provided that an unacceptable rating under any factor would render the quotation “unawardable.” Id.

DOE received quotations from nine vendors, including AmVet and Evoke. The final ratings for AmVet and Evoke, along with their total evaluated prices, are shown in the table below.²

	AMVET	EVOKE
Technical Approach	Marginal	Outstanding
Management Approach	Unacceptable	Acceptable
Past Performance	Favorable	Favorable
Total Evaluated Price	\$98,307, 243	\$96,716,275

AR, Tab B.2, Basis of Award Decision, at 7.

With regard to AmVet’s quotation, as relevant here, the agency assigned a deficiency under the management approach factor because it found that AmVet’s proposed program manager failed to meet the RFQ’s minimum experience requirements. Due to this deficiency, the agency rated AmVet’s quotation unacceptable under the management approach factor. The agency determined that Evoke’s quotation represented the best value to the government, as the highest rated quotation with the lowest evaluated price. The agency therefore established the BPA with Evoke. This protest followed.

(...continued)

technology, special item number (SIN) 132-51, information technology professional services, under North American Industry Classification System (NAICS) code 541519, other computer related services, with a size standard of \$27,500,000. RFQ at 275.

² The solicitation provided that under the technical approach and management approach factors, quotations would be evaluated as outstanding, good, acceptable, marginal, and unacceptable. Id. at 315. The RFQ provided that past performance would be evaluated as favorable, unfavorable, or neutral. Id. at 320.

DISCUSSION

AmVet contends that DOE unreasonably assessed a deficiency to its quotation under the management approach factor because AmVet's proposed program manager failed to meet the RFQ's minimum experience requirements. The protester also raises numerous other challenges regarding the agency's technical and price evaluations of its and the awardee's quotations, and asserts that the agency's best-value tradeoff analysis was flawed.

For the reasons discussed below, we conclude that the agency reasonably assigned a deficiency to AmVet's quotation with regard to its proposed program manager. Because we find that DOE's evaluation was reasonable in this regard, and because, as noted below, the assessment of this single deficiency rendered the quotation unacceptable and ineligible for the BPA, we need not address AmVet's other protest grounds.³

Where, as here, an agency issues an RFQ to FSS vendors under FAR subpart 8.4 and conducts a competition for the issuance of an order or establishment of a BPA, we will review the record to ensure that the agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable procurement laws and regulations. HP Enter. Servs., LLC, B-411205, B-411205.2, June 16, 2015, 2015 CPD ¶ 202 at 5; Digital Sols., Inc., B-402067, Jan. 12, 2010, 2010 CPD ¶ 26 at 3-4. In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate the quotations; 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. OPTIMUS Corp., B-400777, Jan. 26, 2009, 2009 CPD ¶ 33 at 4. A protester's disagreement with the agency's judgment, without more, does not establish that an evaluation was unreasonable. Electrosoft Servs., Inc., B-413661, B-413661.2, Dec. 8, 2016, 2017 CPD ¶ 7 at 5.

AmVet argues that the agency unreasonably concluded that its proposed program manager failed to meet the RFQ requirement for a minimum of 10 years of "relevant" experience.

Under the management approach factor, the solicitation provided that the agency would evaluate key personnel based on the "extent, depth and quality of the Key Personnel's relevant work experience." RFQ at 318. In addition the RFQ provided that "the quality and applicability of [the key personnel's] education, technical experience, and professional development" would be evaluated to "determine the extent to which each individual proposed satisfies or exceeds the position qualification requirements[.]" Id.

³ Specifically, because as discussed in detail below, we find that AmVet's quotation was properly found unacceptable and ineligible for award based on the deficiency assessed, AmVet is not an interested party to challenge other aspects of the agency's evaluation. Computer World Servs. Corp., B-410567.2, B-410567.3, May 29, 2015, 2015 CPD ¶ 172 at 8; see also Sea Box, Inc., B-408182.5, Jan. 10, 2014, 2014 CPD ¶ 27 at 4.

As noted above, the RFQ identified the program manager as a key position. The RFQ provided that the program manager “monitors all contract activity, including PSGSS BPA Order issuance and responses and any forthcoming requirement derived from customer need or federal mandate that may translate into a PSGSS BPA Order.” Id. at 41. In addition, the program manager “maintains and manages the client relationship at the senior levels of the client organization” and “promotes communication among client divisions and stakeholders.” Id. The program manager also “monitors all contract activity, including PSGSS BPA Order issuance and responses,” as well as the “health of the PSGSS BPA,” and “ensures consistency among strategic service delivery, and serves all inquiries regarding contractual matters.” Id.

The RFQ required that the program manager have at least a Bachelor’s Degree or equivalent in one of the following: computer science, software engineering, business administration, management, or “another scientific or technical discipline,” and of importance here, “at least ten (10) years of relevant experience.” Id.

AmVet provided the resume of its proposed program manager with its quotation, which as relevant here, included the following information:

Experience

Senior Program Manager: ActioNet Inc., 2014-present
Service Deliver Manager: ActioNet Inc., 2014-present
Operations Manager/Program Manager: ActioNet Inc., 2011-2014
National Sales Manager: Materialise Dental Inc., 2010-2011
National Sales Manager: Henry Schein Shalfoon, 2006 -2009
Software Technical Sales Representative: Patterson Dental Supply, Inc., 2002-2006
Certified Technology Instructor, Patterson Dental Supply, Inc., 1999-2002

AR, Tab, D.1, AmVet Quotation, Resume, at 1-4.

The agency’s technical evaluation committee (TEC) concluded that AmVet’s proposed program manager did not meet the RFQ requirement for 10 years of “relevant experience.” Specifically, the TEC stated: “Key Personnel candidate had six years of IT-related project/program management experience,” and therefore “did not meet the minimum of 10 years of relevant work experience requirement.” AR, Tab B.1.2, TEC Report, at 7.

AmVet argues that the agency’s conclusions were unreasonable because the work experience detailed in the candidate’s resume “clearly met the requirements of the RFQ.” Supp. Protest at 3; Protester’s Comments at 14. In support of its position, the protester provides a declaration from AmVet’s vice president, addressing the proposed program manager’s experience. Declaration of AmVet Vice President, Mar. 19, 2018, at 1-2. The vice president states that AmVet’s proposed program manager has “over 15 years of relevant professional experience,” and is “currently employed by” ActioNet, Inc., the current incumbent contractor. Id. at 1. The vice president further maintains

that, prior to ActioNet, the candidate “held progressively more responsible operational leadership and management roles in private industry, including organizational strategic planning and the management of technical support teams.” Id. at 1-2.

Our review of the record supports the reasonableness of DOE’s conclusions regarding the program manager’s experience. The TEC concluded that AmVet’s proposed program manager had six years of IT-related project/program management experience. AR, Tab B.1.2, TEC Report, at 7. The agency explains that, in evaluating AmVet’s proposed program manager’s resume, the TEC found that only the last six years of the program manager’s experience, when she worked for ActioNet, were relevant to the program manager position. Combined Contracting Officer Statement/Memorandum of Law (COS/MOL) at 9. The agency states that it determined that the candidate’s prior experience working “as [a] sales manager or technology instructor for various firms, [were] not comparable to the Program Manager requirements.” Id. Specifically, the agency explains that a “review of the position descriptions” provided in the resume “shows that these positions did not include important Program Manager activities,” as defined in the RFQ, such as: monitoring all contract activity, maintaining and managing client relationship at senior levels of the client organization, promoting communication among client activities, monitoring the health of the contract, and responding to inquiries regarding contractual matters. Id.

Although the protester argues that the resume submitted for AmVet’s proposed program manager met the RFQ’s minimum requirements for that position, the protester has failed to explain or otherwise demonstrate how the experience listed in the resume for its proposed candidate met the requirement for 10 years of relevant experience. The protester points to the statement of its vice president regarding the work experience of the program manager, but the information in that statement does not respond to the agency’s concerns articulated above. To the extent the protester disagrees with the agency’s conclusions regarding the relevance of its proposed program manager’s experience prior to 2011, such disagreement, without more, is insufficient to render an evaluation unreasonable or otherwise provide a basis to sustain the protest. Ben-Mar Enters., Inc., B-295781, Apr. 7, 2005, 2005 CPD ¶ 68 at 7.

The protest is denied.

Thomas H. Armstrong
General Counsel