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# Decision

**Matter of:** Allserv, Inc.

**File:** B-422347

**Date:** April 23, 2024

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Matthew T. Schoonover, Esq., Matthew P. Moriarty, Esq., John M. Mattox II, Esq., Ian P. Patterson, Esq., Timothy J. Laughlin, Esq., Schoonover & Moriarty LLC, for the protester.

Natica Chapman Neely, Esq., Department of Veterans Affairs, for the agency. Samantha S. Lee, Esq., and Peter H. Tran, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

1. Protest that agency failed to provide sufficient time for vendors to submit quotations is denied where the timeframe allotted was reasonable.
  2. Protest that solicitation deprives vendors of the ability to compete intelligently is denied where the record shows that the solicitation is drafted in a fashion that enables vendors to intelligently prepare their proposals.
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## DECISION

Allserv, Inc., a service-disabled veteran-owned small business (SDVOSB) of Chapin, South Carolina, protests the terms of request for quotation (RFQ) No. 36C24724Q0325, issued by the Department of Veterans Affairs (VA) for exterior pressure washing services at a VA medical center. The protester argues that the agency did not provide sufficient time for interested vendors to submit responses or sufficient information to permit vendors to compete intelligently and fairly.

We deny the protest.

## BACKGROUND

The VA issued the solicitation on February 5, 2024, under the commercial item provisions of Federal Acquisition Regulation (FAR) part 12 and the simplified acquisition procedures of FAR part 13. Contracting Officer's Statement (COS) at 2; AR, Exh. 9, RFQ at 5, 19.<sup>1</sup> The RFQ, set aside for SDVOSB firms, seeks annual pressure washing services of the exterior areas, interior courtyards, and attached canopies of the "Main Hospital Building 110" at the Charlie Norwood VA Medical Center in Augusta, Georgia. RFQ at 5.

The RFQ includes a "performance based work statement" that sets forth the general requirement, the address of the medical center where services are to be performed, and a short description of the "contractor[']s responsibilities," such as using a "bio-based cleaning agent safe to environment and areas being pressure washed and cleaned." *Id.* at 6-8. The solicitation anticipates the award of a single fixed-price contract with a base year and one 1-year option period. *Id.* at 6.

The solicitation requires quotations that include administrative information about the vendor (such as the company's tax identification number), a fixed price for each annual pressure washing, a "[w]ritten statement limited to two pages or less demonstrating the [vendor] has the required technical capability, experience, and past performance," and three past performance references. *Id.* at 5, 18-19. Quotations will be evaluated based on price and the following three non-price factors: (1) technical capability, (2) experience, and (3) past performance. *Id.* at 19-20. For purposes of award, the non-price factors, when combined, will be "more important than price." *Id.* at 19.

The RFQ established a response deadline of 7:00 a.m. Eastern Time on February 7. *Id.* at 1. The VA subsequently amended the solicitation to incorporate three vendor questions and responses and to extend the response deadline to 2:00 p.m. Eastern Time on February 9. AR, Exh. 10, RFQ amend. 1 at 4-5. Allserv filed this protest on February 9, prior to the submission deadline time.

Also on February 9, the VA issued the second amendment to the RFQ, which extended the response deadline to 11:00 a.m. Eastern Time on February 15, and made no other changes. AR, Exh. 11, RFQ amend 2 at 4. The agency received seven quotations in response to the solicitation. COS at 2.

## DISCUSSION

Allserv contends that the agency did not provide an adequate amount of time to allow vendors to submit quotations in response to the RFQ. Allserv also argues that the agency did not include adequate information about its requirements to allow vendors to compete intelligently and on a common basis. Although we do not address every

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<sup>1</sup> All citations to the record are to the documents' Adobe PDF pagination.

argument raised, we have reviewed all of the protester's assertions and find that none provides a basis to sustain the protest.

### Time to Submit Quotations

Allserv first contends that the agency did not provide an adequate amount of time for vendors to submit quotations in response to the solicitation. The protester argues that 10 days is not a reasonable time for vendors to prepare quotations for pressure washing the Charlie Norwood VA Medical Center. Comments at 5-6. In this regard, Allserv focuses its argument on the contention that the VA did not provide an adequate response time because the solicitation initially provided a deadline "less than" 3 days away and then issued "incremental deadline updates" such that "it was never made clear that [vendors] would be afforded anything other than a short timeframe to submit" quotations. *Id.* at 4-5.

The agency defends the time to submit quotations as appropriate for this procurement where the "responsibilities, straightforward and uncomplicated, are described in one full page in" the RFQ and are for services "readily available in Augusta, Georgia" where the medical center is located. Memorandum of Law (MOL) at 6. In addition, the agency argues that the history of this procurement supported the adequacy of the time to submit quotations. *Id.* at 7. Specifically, in November 2023, the agency issued an RFQ for these same services, but with a 1-year period of performance rather than the potential 2 years with the current solicitation. In response to that RFQ, the VA received 8 quotations within the 14-day response period--including one from Allserv. *Id.* at 1-2, 7. On February 2, 2024, the agency canceled that earlier RFQ because the contracting officer had identified issues with the stated evaluation criteria that required revision. COS at 2-3. Subsequently, on February 5, 2024, the agency issued the RFQ at issue here. *Id.* Based, in part, on this experience, the contracting officer believed vendors were prepared to and capable of responding quickly. *Id.* at 2.

Generally, agencies must allow at least 30 days from the date of issuance of the solicitation for the receipt of offers or in this case quotations. See FAR 5.203(c). Part 12 of the FAR, however, prescribes policies and procedures unique to the acquisition of commercial items, including streamlined procedures for solicitation and evaluation. See FAR 12.000 to FAR 12.603. Among other things, the streamlined procedures under subpart 12.6 of the FAR permit a contracting officer to reduce the time required to solicit and award contracts for commercial items. See FAR 12.603(a). Specifically, an agency may allow fewer than 30 days to respond to a solicitation for commercial items and need only afford a reasonable opportunity to respond considering the circumstances of the acquisition, such as the complexity, commerciality, availability, and urgency of the individual acquisition. FAR 5.203(b); *AeroSage, LLC*, B-416381, Aug. 23, 2018, 2018 CPD ¶ 288 at 12; *Richen Mgmt., LLC*, B-410903, Mar. 10, 2015, 2015 CPD ¶ 105 at 2.

Based on our review of the record, we find the time allotted to submit quotations was reasonable, considering the complexity, commerciality, availability, and urgency of the individual acquisition here. The RFQ here is for commercial services of up to two exterior pressure washings of a medical facility. RFQ at 5. The solicitation limits the submission of non-price quotations to just two pages. *Id.* at 18-19. Moreover, the procurement is for readily available services with minimal complexity. COS at 1. Although the protester argues that more time--such as the 14 days provided under the agency's earlier, canceled version of the solicitation--is necessary, Allserv has not shown that the agency's provision of 10 days to respond to the RFQ here is unreasonable.<sup>2</sup> See *Warrior Serv. Co.*, B-417612, Aug. 16, 2019, 2019 CPD ¶ 296 at 3-4 (finding 7 days was an adequate time to respond to a solicitation "for the installation and removal of 200 mattresses," which did "not require the submission of lengthy technical quotations").

Furthermore, the agency confirms that it received 7 quotations in response to the RFQ and asserts that this provides additional evidence to demonstrate that the time period vendors had to respond to the RFP was more than adequate. MOL at 8. We agree with the agency and find no basis to sustain Allserv's protest argument. See *AeroSage, LLC*, B-416381.4, Dec. 21, 2018, 2018 CPD ¶ 432 at 5.

#### Information in the Solicitation

Allserv also argues that the solicitation lacks adequate information for fair competition. Protest at 5-6. Specifically, the protester asserts that the RFQ is faulty because the "critical information to bid this job was the size of the building" and the RFQ has "no drawings that [vendors] can use to determine total wash areas" and "no estimates of the total area in need of washing." Comments at 8; Protest at 5-6.

The agency responds that the RFQ included FAR provision 52.237-1, Site Visit, which states that vendors "are urged and expected to inspect the site where services are to be

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<sup>2</sup> We also find unconvincing Allserv's argument that the solicitation's time period for response was unreasonable based on the initial time provided in the RFQ--which was fewer than 3 days--because the time period was only expanded via short extensions. According to the protester, this "stutter-stop approach stifles intelligent competition" by forcing [vendors] to prepare "rushed" quotations. Comments at 2. The protester, however, does not--and cannot--identify any law or regulation that was violated by the agency's decision to extend the initial deadline for receipt of quotations. Moreover, when analyzing the reasonableness of response deadlines for solicitations, our decisions have generally considered the full length of time available to the vendors to respond. See *International Glob. Sol., LLC; Definitive InfoTech Servs. & Sols., LLC*, B-419956.20, B-419956.22, Nov. 18, 2021, 2021 CPD ¶ 363 at 9 (considering total time to respond, including extensions, in determining adequacy of response period). As such, we find no merit to this argument, nor do we see any benefit to curtailing an agency's incentive to issue extensions of time, when necessary, for vendors to respond to solicitations. See *id.*

performed,” and that the agency had scheduled and invited vendors to attend site visits on three separate opportunities under the earlier, canceled solicitation. MOL at 9 (citing RFQ at 17). The agency notes that while 11 vendors attended the site visits, the protester did not attend any of the three scheduled site visits, nor did Allserv request an opportunity for such a site visit. *Id.* at 9-11. According to the agency, the protester has sufficient information to prepare a quotation, evidenced by the fact that Allserv submitted a quotation under the materially similar (but canceled) earlier solicitation, relying on a subcontractor that attended one of the site visits and describing the experience of the subcontractor had in performing these same services in the past. *Id.*

Generally, solicitations must be drafted in a fashion that enables vendors to intelligently prepare their quotations and must be sufficiently free from ambiguity so that vendors may compete on a common basis. *ACME Endeavors, Inc.*, B-417455, June 25, 2019, 2019 CPD ¶ 224 at 3. However, there is no requirement that a competition be based on specifications drafted in such detail as to completely eliminate all risk or remove every uncertainty from the mind of every prospective vendor. *Phoenix Env't Design, Inc.*, B-411746, Oct. 14, 2015, 2015 CPD ¶ 319 at 3. In this regard, our decisions have consistently recognized that “[r]isk is inherent in most types of contracts,” and firms must use their professional expertise and business judgment in anticipating a variety of influences affecting performance costs. *JRS Mgmt.*, B-402650.2, June 25, 2010, 2010 CPD ¶ 147 at 5; *AirTrak Travel et al.*, B-292101 *et al.*, June 30, 2003, 2003 CPD ¶ 117 at 14.

Here, the RFQ specifically identified the building to be pressure washed: “the exterior of the Main Hospital Building 110, interior courtyards and attached canopies of the Facility at the Charlie Norwood VA Medical Center 1 Freedom Way (Uptown Site Location) Augusta, Georgia 30904.” RFQ at 18. Similar to the earlier solicitation, the current RFQ also allows for site visits. *Id.* at 17-18. Even setting aside the potential for an official site visit, the protester has not argued that access to the exterior of the building is controlled or otherwise limited such that the protester could not investigate the conditions.

Although we agree with the protester that the agency could have provided additional information about the building size, this does not otherwise render the solicitation inadequate. See *Phoenix Env't Design, Inc.*, *supra* at 3. Based on our review of the record, we conclude that the information provided by the agency is sufficiently detailed to permit vendors to intelligently prepare their quotations and compete on a common basis.<sup>3</sup> See *Inuksuk A-S*, B-420527.2, May 26, 2022, 2022 CPD ¶ 132 at 10 (finding solicitation “information, combined with the offerors’ business judgment, additional research, and site visit information” was sufficient to allow intelligent competition). Accordingly, we find no basis to sustain the protest.

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<sup>3</sup> In this regard, the agency indicates that seven quotations were received in response to this solicitation, even though no vendor--including the protester--requested a site visit under the current RFQ. COS at 2.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel