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# Decision

**Matter of:** Salvadorini Consulting, LLC

**File:** B-422376

**Date:** May 16, 2024

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## DIGEST

Protest asserting that the agency did not provide sufficient time for offerors to submit quotations is denied where the time allotted was reasonable and in accordance with applicable procurement law and regulation.

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## DECISION

Salvadorini Consulting, LLC (Salvadorini), a service-disabled veteran-owned small business (SDVOSB) of Franklin, Tennessee, challenges the terms of request for quotations (RFQ) No. W91YTZ24Q0025, issued by the Department of the Army, for a Positron Emission Tomography or Computed Tomography (PET/CT) scanner by rental lease. The protester challenges the agency's allotted time to prepare and submit quotations as unreasonable.

We deny the protest.

## BACKGROUND

On January 11, 2024, the Army published a pre-solicitation synopsis for its PET/CT scanner requirement on the SAM.gov website.<sup>1</sup> Agency Report (AR), Tab 5, SAM.gov

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<sup>1</sup> SAM.gov is the current governmentwide point of entry (GPE) which serves as the single point where government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be (continued...)

Posting. The synopsis notified potential vendors of the Army's intent to solicit the PET/CT scanner for the Womack Army Medical Center (WAMC) located at Fort Liberty, North Carolina, and included a copy of the anticipated performance work statement (PWS). *Id.* On January 12, the protester's representative emailed the contracting officer asking when the Army would issue the RFQ described in the synopsis and begin to accept quotations. AR, Tab 5a, Email from Protester. On February 14, the agency issued the RFQ via SAM.gov as a fixed-price, small business set-aside utilizing the commercial procedures outlined in Federal Acquisition Regulation (FAR) parts 12 and 13. Contracting Officer's Statement (COS) at 2. The RFQ contemplated a proposed base period of performance from March 1, 2024, through February 28, 2027, with two 12-month option periods. AR, Tab 10, Combined Synopsis/Solicitation at 1-3. Award will be made on a lowest-price technically acceptable basis, including the consideration of two non-price factors: technical capability; and past performance. *Id.* at 48-49.

The RFQ required vendors to submit their quotations by February 22. *Id.* at 1. The RFQ also notified potential vendors that questions about the RFQ could be submitted through February 16. *Id.* at 32. On February 20, the Army issued amendment 0001 to answer the questions it received before the deadline. AR, Tab 15, amend. 0001. On the same day, the protester requested an extension of the RFQ's submission deadline. AR, Tab 14, Protester Request for Due Date Extension. The Army did not extend the deadline and Salvadorini filed its protest with our Office prior to the RFQ's closing date.

## DISCUSSION

Salvadorini argues that the RFQ does not provide sufficient time to prepare quotations.<sup>2</sup> Protest at 11; Comments at 4. Specifically, the protester contends that the 8-day period between issuance of the RFQ and the submission deadline afforded insufficient time to prepare quotations, especially considering the Army's issuance of amendment 0001 two days before the due date for quotations.<sup>3</sup> Comments at 11. The Army counters that its

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accessed electronically by the public. Federal Acquisition Regulation 2.101; *Excelsior Ambulance Serv., Inc.*, B-421948, Sept. 27, 2023, 2023 CPD ¶ 220 at 2 n.1.

<sup>2</sup> In its initial protest, Salvadorini also challenged the agency's decision to not set aside the RFQ for SDVOSBs. Protest at 6. The protester subsequently withdrew this allegation. Comments at 1.

<sup>3</sup> The protester raises other collateral arguments. While this decision does not specifically address all of the protester's arguments, we find that none provides a basis on which to sustain the protest. For example, while conceding that the PET/CT machines at issue are commercial products, the protester raises various arguments that the agency unreasonably considered the specific factors enumerated in FAR section 5.203(b) when establishing the response deadline. As one example, the protester argues that the agency's reliance on the PET/CT machines being commercial items alone was insufficient to demonstrate the "commerciality" of the machines, which the protester posits requires a showing that the machines are "suitable or fit for a wide,  
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advanced notice of its intent to solicit, the RFQ's simplified requirements, and the number of quotations the Army ultimately received are all evidence that the Army's timeline was reasonable. Memorandum of Law (MOL) at 6-8. For the reasons that follow, we find no basis on which to sustain the protest.

Agencies generally must allow at least 30 days from the date of issuance of the solicitation for the receipt of offers or in this case quotations. FAR 5.203(c), 13.105(a). However, an agency may allow fewer than 30 days to respond to a solicitation where, as here, it is acquiring commercial items. *Id.*; FAR 12.205(c). When acquiring commercial items, the contracting officer should afford potential vendors 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); *Richen Mgmt., LLC*, B-410903, Mar. 10, 2015, 2015 CPD ¶ 105 at 2.

The contracting officer has the discretion to determine the time allotted for quotation preparation, and GAO "will not object to that determination unless it is shown to be unreasonable." *Coulson Aviation (USA), Inc.*, B-411306 *et al.*, July 8, 2015, 2015 CPD ¶ 214 at 11. The protester has the burden to show the time allotted was inconsistent with statutory requirements, was unreasonable, or precluded full and open competition. See *AeroSage, LLC*, B-415893, B-415894, Apr. 17, 2018, 2018 CPD ¶ 142 at 5.

Under the circumstances here, we find no basis to object to the timeframe allotted under the RFQ for vendors to submit their quotations. As set forth above, the Army issued the RFQ on February 14, 2024, and quotations were due by February 22, thereby establishing an 8-day response time. AR, Tab 10, Combined Synopsis at 1. The agency issued the RFQ in accordance with the commercial item acquisition procedures

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popular market." Comments at 7 (*citing* Dictionary.com definition for "commercial"). We do not find the protester's argument to be convincing.

First, it is not apparent that the reference to "commerciality" in FAR section 5.203(b) imposes a heightened standard beyond the item generally being a commercial item. In this regard, this section of the FAR is generic and speaks to any procurement conducted by the government; the section is not specific to procurements for commercial items, so it is not apparent that the clause seeks to impose some alternative definition of commercial. Even assuming, however, that a heightened definition of "commercial" applies, the protester offers no basis to distinguish the PET/CT machines that the government seeks to acquire from the same machines sold to hospitals and medical facilities throughout the commercial marketplace. See Comments at 8 ("While PET scanners certainly are used in many hospitals. . ."). Absent any legally or factually sufficient allegation that the machines at issue differ from those currently sold to and deployed at "many hospitals," the protester's disagreement regarding the relative level of "commerciality" of the machines at issue provides no basis to disturb the agency's exercise of its reasonable business judgment.

of FAR parts 12 and 13. COS at 2. Thus, the Army could allow fewer than 30 days to respond to the RFQ but was required to provide vendors a reasonable opportunity under the circumstances of the acquisition to prepare and submit quotations. FAR 5.203(b), 12.205(c). In support of the 8-day response time for quotations, the Army notes that potential vendors were on notice of the forthcoming acquisition as of the synopsis published on January 12, 2024, which the protester responded to the day after the synopsis was published. AR, Tab 5, SAM.gov Posting; Tab 5a, Email from Protester. Further, under the FAR, the urgency of the acquisition is also an appropriate consideration. FAR 5.203(b). Here, the contracting officer explains that “[f]ailure to have the contract in place by March 1, 2024 would adversely affect the continuity of quality care for enrolled eligible beneficiaries and Active-Duty personnel.” COS at 3. The Army also confirmed that it received [DELETED] quotations, including from the protester, in response to the RFQ, and asserts that this provides additional evidence to demonstrate the 8-day time period was more than adequate. COS at 4.

We also agree with the agency, and the protester does not meaningfully dispute, that the quotation submission requirements did not require lengthy technical submissions, but, rather, were streamlined and not overly burdensome. Relevant here, under the technical capabilities factor, vendors were to submit: (i) proof of an active authority to operate; (ii) a statement they had read and will provide all services set forth in the PWS; (iii) a response to the requirements enumerated in paragraph 5 of the PWS;<sup>4</sup> and (iv) a detailed installation plan and timelines. AR, Tab 10, Combined Synopsis/Solicitation at 32, 48.

As to past performance, vendors were to submit a single page identifying federal, state, and local government contracts performed within the past three years from the date of the solicitation, which were similar in scope, type of work, and complexity as the solicited effort. *Id.* at 32. Each reference was to identify the type of service provided, as well as the following information to verify the references: names; telephone numbers; points of contact; amounts; and email addresses. *Id.* at 33, 49. The protester does not explain why the allotted submission deadline was insufficient to address these streamlined quotation submission requirements.<sup>5</sup> *Warrior Service Co.*, B-417612,

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<sup>4</sup> The PWS’s requirements set forth specific requirements for the machines including: dose calibrator in coach; air conditioning and climate control with proper ventilation; and automatic ramp/hydraulic lift platform with rails. *Id.* at 29.

<sup>5</sup> In this regard, the protester does not allege that it was unable to prepare a quotation, but merely that additional time would have provided it with “a reasonable chance to tighten up its quotation terms.” Comments at 12. The protester fails to point to any applicable provision of procurement law or regulation that requires an agency to provide a vendor with a vendor’s maximum preferable time to “tighten” its quotation; an agency must merely provide a reasonable time for vendors to submit quotations. FAR 5.203(b) (requiring “a solicitation response time that will afford potential offerors a *reasonable opportunity* to respond to each proposed contract action”) (emphasis added). As noted  
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Aug. 16, 2019, 2019 CPD ¶ 296 at 4 (denying protest that 7-day response deadline for a commercial item procurement was unreasonable where the solicitation did not require the submission of lengthy technical quotations).

Given the commercial nature of the product being purchased, the advance notice of the requirement as set forth in the synopsis, the streamlined nature of the quotation submission requirements, the urgency of the Army's requirement, and the number of quotations received by the submission deadline, we find no basis to question the Army's conclusion that the quotation response period was consistent with the FAR's requirements.<sup>6</sup> Accordingly, we find that Salvadorini has failed to demonstrate that the RFQ's submission timeline was unreasonable, and therefore we deny this protest. See *Richen Mgmt., LLC*, supra at 3.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel

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above, the agency received [DELETED] quotations, including one from the protester, by the submission deadline.

<sup>6</sup> The protester also alleges that the Army failed to allow sufficient time for vendors to review their quotations following the issuance of amendment 0001 to the RFQ. Comments at 11. The decision as to the appropriate preparation time for the submission of quotations lies within the discretion of the contracting officer. *Trigent Sols., Inc.*, B-419801, Aug. 6, 2021, 2021 CPD ¶ 279 at 8. We limit our review of such determinations to the questions of whether the refusal to extend the closing date adversely impacted competition and whether there was a deliberate attempt to exclude a vendor. *Id.*

Here, Salvadorini has failed to provide factual or legal grounds as to how the RFQ's amendment adversely impacted competition or was a deliberate attempt to exclude a vendor. For these reasons, along with the explanation above, we deny Salvadorini's protest that amendment 0001 provided insufficient time to respond to the RFQ. *Id.*