



Decision

Matter of: TSC Enterprise, LLC

File: B-415731

Date: February 8, 2018

Salome J. Tinker, CPA, TSC Enterprise, LLC, for the protester.
Jason A. M. Fragoso, Esq., Department of Veterans Affairs, for the agency.
Todd C. Culliton, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest is denied where the record shows that the agency evaluated the protester's quotation in accordance with the solicitation's stated evaluation criteria.

DECISION

TSC Enterprise, LLC, of Suitland, Maryland, protests the award of a contract to Sehlke Consulting, LLC, of Arlington, Virginia, under request for quotations (RFQ) No. VA786-17-Q-0780, issued by the Department of Veterans Affairs, National Cemetery Administration for support services for the Veterans Cemetery Grants Compliance Review Program. TSC alleges that the agency unreasonably evaluated its quotation.

We deny the protest.

BACKGROUND

On September 12, 2017, the agency issued the RFQ to procure these support services with a closing date of September 18. Agency Report (AR), Tab 7, RFQ at 4, 38. The selected vendor was to send teams to each of the program's VA grant-funded state and tribal veterans cemeteries to conduct comprehensive on-site reviews to measure performance against the agency's operational standards and measures in order to provide the agency with an objective mechanism for determining grantee compliance with the terms and conditions of cemetery grant awards. Id.

The RFQ contemplated the award of a fixed-price contract to be performed over a 1-year base period and four 1-year option periods. AR, Tab 7, RFQ at 43. Quotations

were to be evaluated on a lowest-priced, technically acceptable basis. Id. at 82. In determining technical acceptability, the agency was to evaluate quotations based on technical and past performance factors. Id. at 83. To be considered acceptable under the technical factor, vendors were required to demonstrate a clear understanding of their corporate resources and ability to manage effectively the performance work statement (PWS). Id. For the past performance factor, vendors were required to provide three past performance references demonstrating that they had the technical capability to perform the contract successfully. Id. Vendors were cautioned that quotations which merely restated the requirement or stated that the requirement would be met, without providing supporting rationale, would be insufficient and would not be considered for award. Id. at 82.

Prior to the close of the solicitation period, the agency received six quotations. The agency evaluated TSC's quotation as unacceptable under both the technical and past performance factors. Tab 3, Source Selection Decision Document (SSDD) at 3-4. The agency awarded the contract to Sehlke Consulting at a total price of \$1,506,491. Id. TSC then filed a protest with the agency. After the agency-level protest was denied, TSC filed the instant protest with our Office.

DISCUSSION

TSC challenges the agency's evaluation of its quotation as technically unacceptable. We considered all of the firm's allegations and find no basis to sustain the protest. We note at the outset that, in reviewing protests challenging an agency's evaluation of quotations, our Office does not reevaluate quotations or substitute our judgment for that of the agency; rather, we review the record to determine whether the agency's evaluation was reasonable and consistent with the solicitation's evaluation criteria, as well as applicable statutes and regulations. Information Ventures, Inc., B-407478.4, July 17, 2013, 2013 CPD ¶ 176 at 5.

Again, the RFQ stated that quotations must demonstrate a clear understanding of the vendor's corporate resources and ability to manage effectively the PWS in order to be considered acceptable under the technical factor. The PWS specified that vendors were required to demonstrate that their key personnel possessed at least two years of experience serving as a program and/or performance auditor/assessor. AR, Tab 7, RFQ at 41

The agency determined that TSC's employees did not meet this requirement because their experience was limited to financial accounting. Tab 3, SSDD at 3. In our view, the agency's evaluation was reasonable. TSC's technical proposal contained résumés and short biographies for each of its key personnel. AR, Tab 15, TSC Technical Proposal at 19-24. None of these résumés demonstrated that any of the key personnel possessed at least two years of performance audit or assessor experience; rather, the information provided shows that all of the key personnel offered financial accounting experience. Id. For instance, the quotation highlights one of TSC's team leaders as having experience managing financial risks and writing internal control procedures as

an accounting manager but does not show that individual as completing any identifiable performance audits. Id. at 19. Similarly, the quotation shows that TSC's other team leader had experience with various financial accounting and auditing standards but did not show that she had completed a performance audit or had experience conducting a performance audit. Id. Put simply, TSC's quotation lacked specific details, as required by the RFQ, showing that its personnel had experience conducting performance audits for at least two years.

Although TSC asserts that its quotation contained a blanket disclaimer that all of its personnel possessed the requisite experience, the RFQ specifically cautioned vendors that merely stating that technical requirements were met without providing supporting details would be considered insufficient in demonstrating technical acceptability. AR, Tab 7, RFQ at 82. Similarly, TSC also argues that the inclusion of past performance references detailing the firm's completion of performance audits demonstrates that all of its personnel possessed the experience required by the RFQ. We disagree. Inclusion of past performance references detailing completed performance audits is insufficient to show that the firm's key personnel had experience conducting performance audits because the agency would have had to infer that the firm's key personnel also conducted the performance audit work on that particular past performance reference. CTIS, Inc., B-414852, Oct. 3, 2017, 2017 CPD ¶ 309 at 5 ("Agencies are not required to infer information from an inadequately detailed quotation, or to supply information that the protester elected not to provide."). Likewise, TSC's argument that its status as a certified public auditing firm meant that its personnel necessarily possessed the requisite performance audit experience is unavailing because the agency was not required to infer that certification as a public auditing firm meant that all of the firm's employees possessed two years of performance audit experience.

On this matter, TSC finally argues that its quotation was technically acceptable because its financial audit experience is essentially equivalent to performance audit experience. An agency has discretion to reject as unacceptable quotations that do not meet the requirements that it defines. Technatomy Corp., B-411583, Sept. 4, 2015, 2015 CPD ¶ 282 at 5. Here, the agency defined its need as requiring personnel with performance audit experience, not financial audit experience, and therefore the agency's decision to reject TSC's quotation is reasonable in this regard. Accordingly, the agency reasonably evaluated TSC's quotation as technically unacceptable because it did not demonstrate that its key personnel possessed the requisite performance audit experience.¹

¹ The terms of the RFQ established that a quotation must satisfy all of the technical requirements in order to be considered for award. RFQ at 82. Here, we have concluded that the agency reasonably determined that TSC's quotation failed to propose key personnel with the requisite experience, and therefore that the agency reasonably rated TSC's quotation as technically unacceptable. Accordingly, we need not address the agency's alternate grounds for finding TSC's quotation technically unacceptable (i.e., that TSC failed to propose personnel with Microsoft Office experience, that TSC failed to demonstrate that it could audit all aspects of a grantee's

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To the extent that TSC argues that the duration of the solicitation period was unreasonable, we dismiss this protest allegation as untimely. A protest challenging the terms of a solicitation must be filed prior to the solicitation closing date. 4 C.F.R. § 21.2(a)(1). As noted above, the solicitation established a September 18 closing date. TSC's protest to this office was not filed until November 27. Accordingly, TSC's protest allegation regarding the duration of the solicitation period is untimely and not for consideration.

The protest is denied.

Thomas H. Armstrong
General Counsel

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cemetery operations, or that TSC was unacceptable under the past performance factor) because any finding that the agency unreasonably evaluated the vendor's quotation under those technical requirements would not affect the quotation's technically unacceptable rating.