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United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: HpkWebDac

File: B-291538.2

Date: January 22, 2003

Hari P. Kunamneni for the protester.

Mike Colvin, Department of Health & Human Services, for the agency.

Peter D. Verchinski and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of agency's evaluation of protester's quotation is denied where the record shows that evaluation was reasonable and consistent with solicitation evaluation criteria.

DECISION

HpkWebDac protests the issuance of a purchase order to Apex Logic, Inc. under request for quotations (RFQ) CC263-02-Q-LL-0582, issued by the National Institutes of Health, Department of Health and Human Services, for a web-based database to collect and manage evaluations. HpkWebDac alleges the debriefing letter it received was inadequate and that the agency did not properly evaluate its quotation.

We deny the protest.

The RFQ set forth two technical evaluation factors: understanding the requirement and proposed technical approach and past performance (worth 40 percent of the evaluation weight) and industry knowledge (20 percent). The RFQ stated, with regard to the first technical evaluation factor, that "the offeror shall demonstrate its understanding of the Government's requirements through a detailed description of its proposed approach (including timelines and relevant milestones)." Price represented 40 percent of the evaluation weight. RFQ, Evaluation Criteria: Best Value Award.

The agency received ten quotations, including Apex Logic's quotation of \$61,000 and HpkWebDac's of \$41,600. A purchase order was issued to Apex Logic.¹ HpkWebDac requested a debriefing. The agency initially claimed that, because the RFQ was conducted under simplified acquisition procedures, it was not required to give a debriefing. HpkWebDac protested this failure to receive a debriefing to our Office. Thereupon, the agency decided to give HpkWebDac a debriefing and we dismissed the protest. Shortly after receiving the debriefing, HpkWebDac again protested, primarily alleging that the debriefing failed to include the minimal amount of information required by applicable regulations.

A protester's contention that the debriefing it received was incomplete is not an allegation our office will generally review. OMV Med. Inc.; Saratoga Med. Ctr., Inc., B-281388 et al., Feb. 3, 1999, 99-1 CPD ¶ 53 at 9 n.3. The adequacy of a debriefing is a procedural matter concerning agency actions after award which are unrelated to the validity of the award itself. C-Cubed Corp., B-272525, Oct. 21, 1996, 96-2 CPD ¶ 150 at 4 n.3. Consequently, this protest ground is dismissed and will not be considered further.²

HpkWebDac also challenges the agency's technical evaluation of its quotation. In reviewing an agency's technical evaluation of vendor submissions under an RFQ, we will not reevaluate the quotations; we will only consider whether the agency's evaluation was reasonable and in accord with the evaluation criteria listed in the solicitation and all applicable procurement statutes and regulations. A protester's disagreement with the agency's judgment is not sufficient to establish that the agency acted unreasonably. Applied Mgmt. Solutions, Inc., B-291191, Nov. 15, 2002, 2002 CPD ¶ 202 at 2. Here, the record provides no basis to conclude the evaluation of HpkWebDac's quotation was unreasonable or otherwise improper.

As indicated, the RFQ specifically stated that quotations should provide such detail so as to demonstrate that the company understands the scope of the government's requirements. The evaluators noted that, in contrast to the other vendors' submissions, the protester's approach under the first technical evaluation factor contained "[zero] detailed summary," was "incoherent," "consisted largely of poorly formatted material extracted directly" from the statement of work or "cut & pasted requirements," and contained "no specifications . . . for development methodology, software tools, database design, etc." Agency Report, Tab 2, Statement of Agency Project Officer; Tab 8, Quote Evaluation Documentation, at 1, 2, 5.

¹ In response to HpkWebDac's question, the agency has documented that the agency official who made the selection was a contracting officer authorized to do so.

² HpkWebDac's assertion that the individual representing the agency in preparing the agency report on this protest is not a lawyer provides no basis to challenge the award. There is no requirement that a lawyer represent the agency in a protest.

With regard to the agency's technical evaluation, HpkWebDac contends that in fact it provided specifications in its quotation by stating that its proposed system "will be implemented using tailored DOD-STD-2167 guide lines." Agency Report, Tab 6, HpkWebDac Quote, at 15. The quotation did not further elaborate on this reference. When a solicitation requires the submission of information bearing on technical adequacy, the protester must demonstrate technical sufficiency in its proposal; there is no requirement that the government ferret out information with respect to informationally deficient proposals. AEG Aktiengesellschaft, B-221079, Mar. 18, 1986, 86-1 CPD ¶ 267 at 4. Here, while HpkWebDac provided schematics illustrating DOD-STD-2167 in its protest, these were not included in its quotation; nor has HpkWebDac explained why the mere mention of Department of Defense guidelines established that the firm understood the government's requirements.

Moreover, as illustrated by the "sentence" in HpkWebDac's quotation after its identification of the DOD-STD-2167 guidelines, "Using these guide lines, a software design document tracing to above identified requirements, a test plan tracing requirements and software design document to test cases," we concur with the agency's evaluators that HpkWebDac's quotation is unclear in this and other respects. Agency Report, Tab 6, HpkWebDac Quote at 15. Since HpkWebDac's response to the RFQ offered only conclusory and incomplete statements about how the system was going to be implemented, the agency could reasonably find the quotation was insufficient to demonstrate that HpkWebDac understood the requirements, which rendered it technically unacceptable and not eligible for award.³

The protest is denied.

Anthony H. Gamboa
General Counsel

³ Because of this, we need not consider HpkWebDac's allegations concerning its price evaluation.