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**Comptroller General
of the United States**

**United States General Accounting Office
Washington, DC 20548**

Decision

Matter of: 3K Office Furniture Distribution GmbH

File: B-292911

Date: December 18, 2003

John Kester for the protester.

Charles W. MacDonald, Esq., and Capt. AnTroy M. Murphy, Department of the Air Force, for the agency.

Jennifer D. Westfall-McGrail, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where request for quotations for office furniture required vendors to submit wood samples to demonstrate compliance with solicitation requirements pertaining to wood quality, agency reasonably rejected protester's quotation, which did not include a wood sample, as unacceptable.

DECISION

3K Office Furniture Distribution GmbH protests the rejection of its quotation and the issuance of a purchase order to ENT GmbH under request for quotations (RFQ) No. 61517-03-T-0201, issued by the Department of the Air Force for office furniture for a recently renovated building at Spangdahlem Air Base, Germany.

We deny the protest.

The RFQ, which was issued on April 13, 2003, sought modular office furniture, including desks and desk extensions, chairs, cupboards, shelf systems, mobile pedestals, couches, and coffee tables. The solicitation contained highly detailed descriptions of the items sought and provided for issuance of an order to the vendor whose quotation was "most advantageous to the Government, price and other factors considered." The RFQ defined "other factors" as follows:

Technically acceptable in accordance with the line item description:
Must meet or exceed requested quality (to be evaluated based on descriptive literature and a sample of wood quality provided by

offerors). At conclusion of evaluation, prospective awardee may be required to show furniture at site, for Contracting Officer's approval.

RFQ at 3.

According to the contracting officer, it was of paramount importance to the customer that the furniture be readily reconfigurable due to the office's requirement for frequent work area adjustments. Accordingly, the RFQ required that the desks and extension elements have rail-based leg frame systems that would permit linkage of the pieces in a "free-floating, well-connected, and stable manner."¹

Seven vendors submitted quotations. The evaluators determined six of the seven quotations, including the protester's, technically unacceptable. The only vendor whose quotation was determined technically acceptable was ENT. On September 15, after soliciting a revised quotation for an increased quantity from ENT, the agency issued it an order in the amount of 244,332.15 euros.

On September 24, 3K protested to our Office, contending that the furniture on which it had quoted complied with the specifications set forth in the RFQ and that its quoted price (162,157.32 euros) was lower than ENT's.

The agency responded that 3K's quotation had been determined technically unacceptable because 3K had failed to furnish a wood sample, had quoted on the wrong quantities for several items, had furnished technical data regarding its chairs in German (rather than English), had not furnished technical data regarding its conference desks, and had not furnished a sample desktop. In addition, the agency

¹ Specifically, the item description for the desks and extension elements included the following paragraph:

Traverse system rails which are fixed to the desk top. Leg frame system is based upon a force and form-integrated frame linking mechanism, which makes it possible to link tops and extension elements in a free-floating, well-connected and stable manner. They hold the L-form leg frame, the support feet, the coupling mechanism for fixing linking elements, the third level adapter, the modesty panels and the cable trays. The leg frames consist of a bridging element, twin tubes and a bolted foot support. Desks can be linked by an extremely sturdy linking mechanism, which catches into the twin system rails from the side.

RFQ, Item 0001AA. According to the technical evaluation report, "free-floating" means that no additional legs are required for support. Technical Evaluation Report, Sept. 4, 2003, at 4.

concluded that the quotation failed to demonstrate compliance with the RFQ's technical requirements, as follows:

- Desk frame does not comply with technical requirements. Traverse rail system does not have the free-floating leg system. As the system offered has a sliding top, which is bolted into the rail system, it is impossible to have a free-floating leg system due to a stability issue.
- CPU brackets can only be attached inside or outside to the cross elements/legs and not in free-floating manner in a horizontal rail system. (As the main feature of the desk is not in compliance, the connecting elements such as pedestals, etc. were not further evaluated.)
- Cupboards: Pull-out cabinets do not have a telescopic ball-bearing system.
- Vertical tambour door units do not have a weight-depending pre-tensioned torque rod, which holds the door at any position.
- Cupboards for Line Item 0001AF are not 6 Binders high. Size is 80x42x195 cm.
- Line Item 0014BA through BC: Requested were cupboards and filing cabinets with top-boards and as required by Amendment 0001 requested with solid back walls.
- Line Item 0015AB: Size is only 42 cm. deep instead of 60 cm.

Technical Evaluation Report, Sept. 4, 2003, at 1-2.

In reviewing a protest against an agency's evaluation of quotations, we examine the record to determine whether the agency's judgment was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations. American Artisan Prods., Inc., B-286239, Nov. 29, 2000, 2000 CPD ¶ 198 at 2. Here, while we question the reasonableness of several of the agency's determinations regarding the compliance of 3K's proposed furniture with the RFQ's specifications,²

² For example, the agency's determination that the protester's desk frames fail to incorporate a free-floating leg system is not supported by the record. While the agency asserts that the protester's desks incorporate a fixed leg system, in which the leg directly connects to the desktop and cannot be moved, Agency Response to GAO Questions at 2, the protester's descriptive literature indicates that the desktops attach to the frames, and not directly to the desktops. The protester confirms this in its December 13 comments, noting that the "legs are not bolted directly to the table top but to the frame," and that they "can be moved anywhere you desire, left or right, with very little effort." Further, according to the protester, "[i]t is not only possible to move a leg assembly to the outer extension of an extension table . . . but is the
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we are nonetheless persuaded that the agency reasonably rejected the quotation as unacceptable based on the protester's failure to furnish a wood sample.

The RFQ required vendors to furnish wood samples to demonstrate compliance with solicitation requirements pertaining to wood quality.³ It is the vendor's responsibility to submit the information requested by the agency for evaluation purposes, and a vendor that does not do so runs the risk that its quotation will be rejected as unacceptable. See Northwest Mgmt., Inc., B-277503, Oct. 20, 1997, 97-2 CPD ¶ 108 at 5. In response to the protester's contention that it did furnish a wood sample to the contracting office in early August, shortly prior to issuance of this solicitation, the agency notes that at the time of the agency's technical evaluation, neither the contracting officer nor the evaluators were aware that a sample had previously been furnished to the contracting office since the sample was sent to a different acquisition team in response to a different solicitation and the protester did not refer to it in responding to this RFQ. According to the agency, "[t]he first time [the evaluators] heard of this materiel (sic) being previously submitted was in the protest document." Agency's Response to GAO Questions, at 4. The agency further notes that when, after submission of 3K's protest, the evaluators became aware of and located the package of material previously submitted by the protester, they found that "it did not include any wood samples, only laminate samples." Id.

We see nothing unreasonable in the evaluators' having failed to consider a sample that had neither been furnished to them nor brought to their attention. Moreover, it appears that the samples did not satisfy the agency's requirements in any event since they were of the laminate, as opposed to laminated wood. Regarding the protester's argument that the evaluators could have obtained a compliant sample by simply calling it, we reiterate that it is the responsibility of the vendor to furnish the information that the agency

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normal practice when adding an extension." Protester's Comments, Dec. 13, 2003, at 1.

³ For example, Item 0001AA of the RFQ described the desired quality as follows:

Desk tops are 25 mm thick three-layer chipboard coated with melamine resin in either one color or in a decorative wooden effect (the base material complies with DIN 68761, the surface complies with DIN 68765).

requests for evaluation purposes and not the responsibility of the evaluators to solicit missing information. See Interstate Gen. Gov't Contractors, Inc., B-290137.2, June 21, 2002, 2002 CPD ¶ 105 at 5.

The protest is denied.

Anthony H. Gamboa
General Counsel