

PROTESTER FAILED TO INCLUDE PRICES FOR REQUIRED CLINS AND AGENCY WAS NOT OBLIGATED TO REQUEST CLARIFICATION

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The Government Accountability Office (“GAO”) recently denied a protest where a company failed to price in its proposal required Contract Line Items Numbers (“CLINs”), and the agency did not request clarifications. *GovTranz, LLC*, B-423249. March 25, 2025. The solicitation (a request for proposals, or “RFP”) was for ground wheelchair transportation services.

The solicitation sought ground wheelchair transportation services for patients at a Veterans Affairs Medical Center in Atlanta Georgia. The RFP was amended to add certain CLINs to the price schedule, and the RFP stated that offerors were required to complete the price schedule. The RFP also advised offerors that any proposal submitted without all required information would be rejected. GovTranz failed to complete the price schedule which included the added CLINs, and the agency concluded in its initial review that GovTranz did not comply with the RFP submission requirements, and rejected its proposal.

GovTranz argued that it did not need to price the missing CLINs, but the GAO held that such pricing was required. The RFP warned that “failure to comply with *all* solicitation criteria [including submission of a pricing schedule] will result in your proposal being rejected.” GovTranz also argued that the agency should have sought clarification about the missing CLINs. GAO rejected this argument, noting that offerors have no right to clarifications and furthermore, clarifications cannot be used to cure proposal deficiencies, material omissions or materially alter costs, or otherwise revise the proposal. The clarification that GovTranz sought would have involved revision of its pricing proposal.

Finally GovTranz argued that the agency had to submit a request to the Small Business Administration (SBA) for a Certificate of Competency (“COC”) for a responsibility determination since it was a small business because the agency had rejected its proposal on a pass/fail basis. GAO noted that the SBA regulations require a contracting officer to submit a request to the SBA “after evaluating the concern’s offer on a non-competitive basis (e.g. pass/fail, go/no go or acceptable/unacceptable under one or more responsibility type evaluation factors...)” However, when an agency finds a proposal to be unacceptable based on an offeror’s failure to submit required information, the finding does not constitute a determination that the offeror is not a responsible contractor. Here, GovTranz’s proposal was incomplete as required by the solicitation.

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