

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-221730 **DATE:** March 31, 1986
MATTER OF: IVAC Corporation

DIGEST:

1. Where request for best and final offers sent to offerors, including protester, deleted an item added by an amendment to the solicitation, protest that awardee did not include offer for deleted item is denied.
2. Allegation that awardee's product was not listed in the Federal Supply Schedule is irrelevant since the item being procured was not listed under a mandatory schedule.

IVAC Corporation (IVAC) protests the award of a contract to Diatek Corp (Diatek) under request for proposals (RFP) DADA09-85-R-0027 issued by the William Beaumont Army Medical Center, El Paso, Texas, for 88 electronic thermometers.

The protest is denied.

IVAC contends that the award to Diatek was based on Diatek's offer of electronic thermometers with dedicated probe covers while the RFP required disposable probe covers. IVAC also alleges that Diatek did not have a Federal Supply Schedule contract at the time bids were opened and, therefore, the award should not have been made to Diatek.

The solicitation originally called for electronic thermometers only, although an amendment to the solicitation later requested disposable probe covers. When best and final offers were solicited, the Army restated its requirements and deleted the requirement for disposable probe covers.

Although IVAC contends that the RFP required disposable probe covers, the clear language of the request for best and final offers eliminated the requirement for disposable probe covers. Therefore, IVAC's protest that Diatek did not offer

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disposable probe covers is denied. See Avitech Inc., B-214749, Sept. 17, 1984, 84-2 C.P.D. ¶ 297.

With respect to IVAC's contention that Diatek's electronic thermometers use dedicated probe covers and this was not considered by the Army, the Army states that all manufacturers of electronic thermometers, including IVAC, make dedicated probe covers for their instruments. In any event, Diatek did not qualify its offer, but offered the electronic thermometers called for in the solicitation. The request for best and final offers merely deleted the requirement for disposable probe covers and did not introduce a new requirement that the electronic thermometers not have dedicated probe covers.

Finally, whether Diatek had a Federal Supply Schedule contract is irrelevant since the Army was not procuring an item listed under a mandatory schedule.

The protest is denied.

for Seymour Efron
Harry R. Van Cleve
General Counsel