



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dresser-Rand Company
File: B-225658; B-225692
Date: April 20, 1987

DIGEST

Protests raising essentially the same issues as those resolved in a recent protest involving the same protester, the same agency and the same awardee are dismissed because no useful purpose would be served by further consideration of the protester's complaints.

DECISION

Dresser-Rand Company (formerly Ingersoll-Rand) protests the award of a contract by the Defense Construction Supply Center, Columbus, Ohio, to Compressor Engineering Corporation under request for proposals No. DLA700-86-R-3544. Dresser-Rand also protests the agency's proposed award to Compressor under request for quotations No. DLA700-86-Q-E707. We dismiss the protests.

Both solicitations were for spare parts for compressors manufactured by the protester. In each instance, the solicitation specified an Ingersoll-Rand part number but also provided for consideration by the agency of alternate products. The protester offered to provide the specified products while Compressor offered alternate products at lower prices. The agency evaluated the alternate products and found them to be technically acceptable.

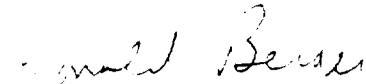
The protester filed identical protests with this Office complaining that in both procurements the agency had used less stringent testing methods in determining whether Compressor's alternative products were acceptable than "those applicable to the part specified." Dresser-Rand also complains that the agency failed to add the cost of government testing to the prices offered by Compressor, did not obtain sufficient data regarding the alternate products, and in

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general did not create an atmosphere of full and open competition.

The issues raised by Dresser-Rand in this case are virtually identical to those considered at length in Ingersoll-Rand Co., B-224706, et al., Dec. 22, 1986, 86-2 CPD ¶ 701. In that case, we said that the requirement that an agency treat all offerors equally does not mean that the same procedures used in the past to qualify products must be used thereafter in subsequent procurements to qualify other products. We also said that since the solicitation there, as here, did not provide for the cost of testing to be added to the prices for alternate products, the agency would not have had authority to do so. Since that decision, we have dismissed subsequent protests by the same protester on the same issues involving the same agency and the same awardee. See Ingersoll-Rand Co., B-225052, Jan. 27, 1987, 87-1 CPD ¶ _____; Ingersoll-Rand Co., B-225346 et al., Mar. 6, 1987, 87-1 CPD ¶ _____. We said in these latter cases that because we already had found the issues raised to be without merit, no useful purpose would be served by our considering them again. We think the same result should obtain here. See H.V. Allen Co., Inc., B-226059 et al., Mar. 20, 1987, 87-1 CPD _____.

The protests are dismissed.



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