



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Key Air
File: B-227893
Date: August 20, 1987

DIGEST

Agency properly included option period in the solicitation where agency reasonably determined there is an anticipated need for the service beyond the first contract period, and, in accordance with the solicitation evaluation method, awarded to the low offeror for the base and option periods.

DECISION

Key Air protests the United States Marshals Service's (USMS) award of a contract to Gulf Air for lease of an aircraft to transport federal prisoners under request for proposals (RFP) No. 7M-9744-RFP. The RFP called for evaluating offers on the basis of a total price for a base period (June 29, 1987 - September 30, 1987) and for an option period (October 1, 1987 - March 31, 1988). Key essentially claims that USMS will not exercise the option under this RFP. Key thus concludes that USMS improperly evaluated offers on the basis of the base and option period, and Key should have received the award, as the low offeror for the base period which reflects the agency's actual needs. Alternatively, it argues that the award be terminated and the agency resolicit the requirement based on its actual needs. We deny the protest.

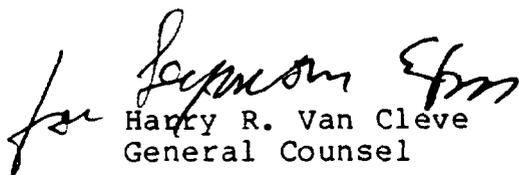
USMS concedes that at the time it was evaluating offers under this RFP, it was planning to acquire a second aircraft. However, USMS reports that it was and still is uncertain that a contract ultimately will be awarded and there is "every indication that the option period will be required and exercised to maintain at a minimum the existing level of service." USMS states that, at the time of award to Gulf, the RFP did in fact represent the government's known requirements and that this remains the case.

Here, the agency made the requisite determination to include the option period, see Federal Acquisition Regulation (FAR), 48 C.F.R. 17.202(d) (1986). It anticipated a need for the airplane beyond the base period primarily because of the agency's need to assure continuity of service into fiscal year 1988. While the protester alleges that the possible

award for another airplane may obviate this need, an allegation which the agency disputes, it has not shown that USMS's determination at the time it was made, anticipating a need for services under that contract beyond the base year was improper or unreasonable. See K. P. Food Services, Inc., 60 Comp. Gen. 1 (1980), 82-1 CPD ¶ 289. A mere difference of opinion between the protester and the agency concerning the agency's needs is not sufficient to upset an agency's determination absent clear evidence that those decisions are arbitrary or unreasonable. Kings Point Mfg. Co., Inc., B-220224, Dec. 17, 1985, 85-2 CPD ¶ 680.

Accordingly, we conclude the agency, in accordance with the stated RFP evaluation method, properly evaluated offers on the basis of the base and option period, and concluded Gulf was the low offeror. S.A.F.E. Export Corp., B-204718, supra.

We deny the protest.


Harry R. Van Cleve
General Counsel