



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: System-Analytics Group Corporation

File: B-229836

Date: April 12, 1988

DIGEST

Where firm would not be in line for award were its protest sustained, protest is dismissed since protester does not have the required direct interest in the contract award to be considered an interested party under Bid Protest Regulations.

DECISION

System-Analytics Group (SAG) Corporation protests the rejection of its quotation as technically unacceptable and the award of a purchase order to Medical Computer-Assisted Learning (MEDCAL), under request for quotations (RFQ) No. NLM RFQ 87-066, issued by the National Library of Medicine, Department of Health and Human Services (HHS), for design and development of a computer-aided learning tutorial. The protester maintains that the agency's evaluation of the awardee was inconsistent with the weights assigned cost and technical factors in the RFQ, and that the agency also improperly evaluated SAG's technical proposal.

We dismiss the protest.

The RFP contemplated award of a firm, fixed-price, small purchase order. Award was to be based on cost, weighted at 70 percent, and technical experience, weighted at 30 percent. Seven quotations were received and after technical evaluation four of the quotes, including SAG's, were determined to be technically unacceptable. In a subsequent debriefing, the agency revealed to SAG that the 70 percentage points available for cost were generally allotted (after review of quotations) as follows: 70 points for quotations of \$10,000 to \$15,000, 65 points for \$15,001 to \$20,000, and 60 points for \$20,001 to \$25,000. SAG's total point score of 65 points was comprised entirely of points for its cost quotation of \$18,619 (i.e., SAG received zero technical points), while MEDCAL'S score of 90 points was comprised of 60 points for its \$25,000 quoted price, and all

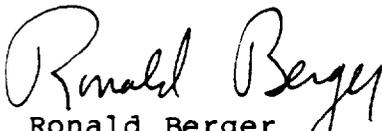
30 possible technical points. The agency issued the small purchase order to MEDCAL on September 30, 1987, based on its highest overall rating.

The protester maintains that the agency's cost evaluation did not reflect the RFQ scheme since all quoters not offering more than \$25,000 were automatically awarded at least 60 points, leaving only 10 cost points subject to the competitive process. Further, the protester contests its technical score, maintaining that it should have received at least 8 or 9 out of the 30 points available.

Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (Supp. III 1985), and our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a) and 21.1(a) (1987), a party must be "interested," that is, must have a direct economic interest in the award of or failure to award a contract, in order to have its protest considered by our Office. Generally, a party will not be deemed to have the necessary economic interest where there are other intervening offerors that would be in line for award if the awardee were eliminated from the competition. Gentex Corp., B-225669, Feb. 27, 1987, 87-1 CPD ¶ 230.

The record here indicates that a third firm (the name of which HHS has not disclosed to SAG) had an intervening greater interest in the award than SAG. This third firm had a higher cost score than SAG (70 points) based on its low price quote of \$14,000, and received 16 technical points, for a total of 86 points. SAG does not challenge the awarding of the full 70 cost points to the low quoter, and does not challenge that firm's technical score. Thus, the third firm's total score of 86 points would exceed SAG's total score even if SAG's score were increased by the 8 or 9 technical points the firm now contends it should have received (this would leave SAG with a score of 74 points), and the third firm, not SAG, would be next in line for award even if we were to sustain SAG's protest. Under these circumstances, SAG is not an interested party and we will not consider its protest. Armament Engineering Co., B-228445, et al., Feb. 8, 1988, 88-1 CPD ¶ 121.

The protest is dismissed.


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General Counsel