



The Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: Alaska Lee/Global Services, Inc.

File: B-230912.2

Date: May 27, 1988

DIGEST

Protest that award of a negotiated contract was improper because it was not made to protester, an allegedly responsible offeror, on the basis of its lower priced offer is dismissed for failure to state a basis of protest where, under evaluation criteria of solicitation, cost is subordinate to technical factors, and protester does not allege that its proposal was technically equal to that of the awardee.

DECISION

Alaska Lee/Global Services, Inc. (ALGLO), protests the award of a contract under request for proposals (RFP) No. DAJB03-87-R-3928 issued by the Department of the Army for food service operation of the United States Army dining facilities in Korea.

We dismiss the protest.

ALGLO maintains that it was the "apparent qualified low bidder" and, for that reason, should have received the award. The protest suggests that ALGLO is of the view that award was to be made to the responsible offeror that proposed the lowest priced, technically acceptable offer. This view, however, is not consistent with the evaluation scheme and the basis for award stated in the solicitation.

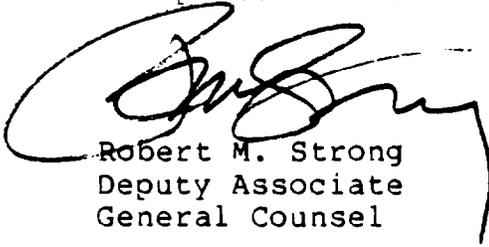
Section M-1 of the RFP states that "[a]ward will be made to the responsive, responsible offeror whose proposal meets all of the requirements stated [in the solicitation] and whose proposal is considered most advantageous to the Government." That determination is based upon the review and evaluation of the proposal in accordance with the stated award basis and the evaluation factors set forth in the solicitation. In section M-2, the RFP lists in descending order of importance four evaluation factors for award, among which cost is last and, accordingly, subordinate to the

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other (technical) factors. According to the evaluation scheme, cost becomes the determinative evaluation factor only if the proposals are found to be technically equal.

Award was not required to be made based on the lowest priced technically acceptable offer, and ALGLO does not allege that its proposal is technically equal to that of the awardee. ALGLO has, therefore, not stated a valid basis for protest. J.W.K. International Corp., B-228488, Nov. 5, 1987, 87-2 CPD ¶ 450.

The protest is dismissed. 4 C.F.R. § 21.3(m) (1988).



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