



Comptroller General
of the United States

1104257

Washington, D.C. 20548

Decision

Matter of: ITT Federal Services Corporation

File: B-253740.2

Date: May 27, 1994

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for the agency.

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preparation of the decision.

DIGEST

1. Protest that awardee should have been excluded from competing for a support services contract because it used the services of a former government employee in the preparation of its proposal is denied where there is no evidence that the former government employee had access to source selection information or other inside agency information that could have conferred an unfair competitive advantage on the awardee.
2. Protest that agency's cost realism analysis of protester's proposal was flawed is denied where the record shows that it was reasonably based.
3. Protest that agency improperly evaluated protester's quality control plan is denied where the record shows that the evaluation was reasonable.
4. Protest that agency conducted improper cost comparison is dismissed where protester is not an interested party, as

This decision was originally issued as a protected decision because two additional protests of the procurement were pending at that time. See *infra* footnotes 3 and 4. As both of these protests have been resolved, and as the protected information contained in the decision was specific to this procurement, we are re-issuing the decision in its entirety.

it would not be in line for award even if the protest were sustained.

DECISION

ITT Federal Services Corporation protests a determination made by the Department of the Army, pursuant to Office of Management and Budget (OMB) Circular No. A-76, that it would be more economical to convert the logistics support services at Fort Leonard Wood, Missouri, to in-house performance by civilian employees, rather than to contract for these services, solicited under request for proposals (RFP) No. DABT31-91-R-0012. ITT argues that the Army improperly failed to select its proposal as the one upon which to base its cost comparison, and further alleges that the Army's conduct of that cost comparison was improper.

We deny the protest in part and dismiss it in part.

BACKGROUND

The solicitation, issued on March 6, 1992, asked for the provision of such services as supply support, maintenance and repair of equipment, vehicle operations, rail transportation, troop issue subsistence support, and maintenance assistance and instruction. The RFP contemplated award of a cost-plus-award-fee contract, for a base period of 1 year and up to 4 option years. Amendment No. 0008, issued on July 20, informed offerors that the Army intended to conduct an A-76 transfer cost study for the services. Accordingly, section L.4 of the amended RFP stated that the solicitation was part of a government cost comparison to determine whether accomplishing the specified work under contract or by government performance was more economical. If government performance was determined to be more economical, the solicitation would be canceled and no contract would be awarded.

ITT filed an agency-level protest of this decision, contending that OMB Circular No. A-76 and implementing Army regulations provided that a Transfer Cost Study for an existing contract could only be conducted when contract performance became unsatisfactory or when costs became unreasonable. ITT asserted that the performance of the incumbent, ITT Base Services, Inc. (ITT BSI), ITT's wholly owned subsidiary, was outstanding, and that its contract cost was reasonable. The agency denied the protest because the regulations had been amended to allow the conduct of a formal Transfer Cost Study concurrent with the solicitation of services from industry. See 32 C.F.R. § 169a.10.

The RFP instructed that award would be made to the responsible offeror whose offer was most advantageous to the government, cost or price and other factors considered; the proposal with the highest degree of realism, and whose performance was expected to best meet the government requirements, would be selected for award.

Proposals were to be evaluated on the basis of four factors, listed in descending order of importance: staffing, cost, quality control, and transition and phase-in/phase-out. Each of the three non-cost factors was to be given both a numerical and a color rating. The maximum score under the numerical rating scheme was 1,000 points, with the maximum scores for each factor as follows: 540 points for staffing; 310 points for quality control; and 150 points for transition. Under the color rating scheme, each non-cost factor was to be given a color rating that corresponded with its numerical score. The ratings were "blue" for factors receiving 90-100 percent of the available points; "green" for those receiving 70-80 percent of the available points; "yellow" for those receiving 50-60 percent of the available points; and "red" for those receiving no points. The color ratings were further classified as either "high" or "low," depending upon their positions within the percentile range.

The cost proposals, evaluated on the basis of price realism, cost realism, and fee realism, were to be given color ratings only, in accordance with the above criteria. Offerors were advised that the source selection evaluation board (SSEB) would compare the data in the cost proposals to the information presented in the staffing proposals for consistency and realism. If the information in the staffing proposals and cost proposals was considered inadequate to accomplish government contract requirements, the SSEB would make an appropriate adjustment for evaluation purposes only, to obtain a most probable cost for each proposal.

On November 10, the Army received seven proposals in response to the RFP. The SSEB, divided into a cost committee and a technical committee, evaluated all proposals. After this initial evaluation, only the proposals submitted by Tecom, Inc., ITT, and Morrison-Knudsen Corporation (M-K) remained in the competitive range. Discussion questions were mailed to these three offerors in both May and June of 1993; after completion of discussions, best and final offers (BAFO) were requested and submitted

²Thus, a factor receiving 80 percent of the available points would be given a color rating of "high green."

on July 7. The SSEB evaluated the revised proposals, with the following results:

	<u>Tecom</u>	<u>ITT</u>
<u>Technical:</u> Total	720	383
Staffing:	351 High Yellow	278 Low Yellow
Quality Control:	279 Low Blue	0 Red
Transition:	90 High Yellow	105 Green
<u>Cost:</u>	<u>Green</u>	<u>Green</u>
Proposed:	\$47,056,008	\$46,364,029
Most Probable:	50,034,453	49,967,935

The SSEB recommended the selection of Tecom's proposal for the cost comparison, based on its superior technical merit and competitive price. The government announced that it had selected Tecom for the cost comparison, and that it had selected the government's in-house proposal over Tecom's, on January 4, 1994. ITT received a debriefing on January 13, and subsequently filed this protest.

ITT's objections to the Army's determination fall into two categories. First, ITT contends that its proposal, not Tecom's, should have been selected for the cost comparison. ITT alleges that: (1) Tecom should have been

³We have not included the evaluation results of M-K's proposal. M-K has filed a separate protest, B-253740.4, in which it argues that the agency improperly evaluated that proposal. M-K's protest will be decided by a separate decision.

⁴After filing its protest in our Office, ITT protested the cost comparison to the Administrative Appeals Board Convened pursuant to Army regulations and OMB Circular No. A-76. The Board denied the protest on February 15. We note that Tecom has filed a protest in our Office, B-253740.3, in which it protests the Army's conduct of the cost comparison. This protest will be decided by a separate decision.

⁵As a general rule, this Office will not review an agency's decision concerning whether work should be performed in-house or by a contractor because we regard this to be
(continued...)

disqualified from the competition because its employment of a former government employee violated the post-employment provisions of the Office of Federal Procurement Policy (OFPP) Act, 41 U.S.C. § 423 (1988 and Supp. III 1991), and also resulted in an improper conflict of interest; (2) the Army improperly conducted its cost realism analysis of ITT's proposal; and (3) the Army improperly evaluated ITT's quality control plan. Second, ITT contends that the Army's conduct of the cost comparison between the government's in-house proposal and the Tecom proposal was improper. Because we deny ITT's protest that its proposal, not Tecom's, should have been selected for the cost comparison, we conclude that ITT is not an interested party to protest the conduct of that cost comparison; accordingly, we dismiss that basis of protest.

DISCUSSION

Conflict of Interest

ITT argues that Tecom should have been disqualified from the competition because it used the services of a former government employee, Mr. David Teufel, to assist in its proposal efforts. ITT contends that, as a government employee, Mr. Teufel participated in the preparation of the performance work statement (PWS) for the supply and services portion of this RFP, and that he also had access to inside agency information concerning ITT BSI's performance of the predecessor contract for these services. The protester asserts that, after his retirement from government service, Mr. Teufel worked for Tecom, either as a consultant or as an employee, to assist it in the preparation of its proposal, and that "it is likely" that he used inside information in so doing, resulting in an unfair competitive advantage for the firm.

⁵ (continued)
 a matter of executive branch policy. Base Servs., Inc., B-235422, Aug. 30, 1989, 89-2 CPD ¶ 192. However, where, as here, an agency uses the procurement system to aid in this determination by spelling out in a solicitation the circumstances under which it will or will not award a contract, we will consider a protest alleging that the agency has arbitrarily rejected a bid or proposal. Jets, Inc., 59 Comp. Gen. 263 (1980), 80-1 CPD ¶ 152. We do so because a faulty or unfair cost comparison would be detrimental to the procurement system. Apex Int'l Management Servs., Inc., B-228885.2, Jan. 6, 1988, 88-1 CPD ¶ 9.

An agency may exclude an offeror from the competition because of an apparent conflict of interest in order to protect the integrity of the procurement system, even if no actual impropriety can be shown, so long as the determination is based on facts and not mere innuendo or suspicion. NKF Eng'g Co. v. United States, 805 F.2d 372 (Fed. Cir. 1986); CACL, Inc. -- Federal v. United States, 719 F.2d 1567 (Fed. Cir. 1983); NKF Eng'g, Inc., 65 Comp. Gen. 1104 (1985), 85-2 CPD ¶ 638; RCA Serv. Co., B-224366, Aug. 28, 1986, 86-2 CPD ¶ 241. Our role in resolving a bid protest allegation of a conflict of interest or appearance of impropriety is to determine whether the agency has a reasonable basis for allowing an offeror to compete in the face of an allegation or indication of an apparent conflict of interest. Laser Power Techs., Inc., B-233369; B-233369.2, Mar. 13, 1989, 89-1 CPD ¶ 267. ITT's arguments here, based primarily on its unsupported assumptions, do not amount to a showing that Tecom had a conflict of interest or that it gained an unfair competitive advantage.

Mr. Teufel served as the chief of the accountable property branch in the Supply and Services Division of the Directorate of Logistics at Fort Leonard Wood until he retired in 1991. In that capacity, he was responsible for approving requisitions and disposal actions, and reviewing and inspecting the receipt, storage, and issuance of various items performed by contract. He also served as the accountable property officer with responsibility for all equipment and supplies in the formal installation stock record account. Mr. Teufel states that he worked on a daily basis with ITT BSI personnel concerning matters of that stock record account.

In August of 1990, Mr. Teufel was assigned to a task force to review and rewrite the supply portion of the PWS of the existing contract for use in this solicitation. The Army reports that the task force's charge was to take the existing contract document and apply new lessons learned to develop a better, more current document, and that Mr. Teufel was one of two supply representatives on the task force. While his assignment was to end on or about December 30, 1990, Mr. Teufel states that, due to illness, his participation on the task force ceased on October 1. He retired on November 30, 1991. Neither the agency nor

⁶The interpretation and enforcement of post-employment conflict of interest restrictions are primarily matters for the procuring agency and the Department of Justice. Sae Central Texas College, 71 Comp. Gen. 164 (1992), 92-1 CPD ¶ 121.

Tecom denies that Tecom subsequently engaged the services of Mr. Teufel in the preparation of its proposal.

ITT argues that the very fact that Mr. Teufel was involved in specification drafting for the Army before being employed by Tecom created an appearance of impropriety which should be sufficient to disqualify Tecom from this procurement, considering that he was a procurement official under the OFPP Act.

As an initial matter, effective December 1, 1989, the post-employment restrictions contained in the OFPP Act were suspended by section 507 of the Ethics Reform Act of 1989, Pub. L. No. 101-94, 103 Stat. 1716, 1759 (1989), and that suspension was extended through May 31, 1991, by Pub. L. No. 101-510. See FAR § 3.104-2(b)(2). As a result, the OFPP Act's restrictions are not applicable to Mr. Teufel's activities here, as they took place during that period of suspension. See FHC Options, Inc., B-246793.3, Apr. 14, 1992, 92-1 CPD ¶ 366.

Moreover, while participation in the drafting of the PWS can confer the status of a procurement official under the OFPP Act, such participation by itself does not necessarily create a conflict of interest. The mere employment of an individual who is familiar with the type of work required and helped prepare the specification or statement of work, but who is not privy to the contents of proposals or other inside information, does not establish a conflict of interest or confer an unfair competitive advantage. FHC Options, Inc., supra; MDT Corp., B-236903, Jan. 22, 1990, 90-1 CPD ¶ 81; Damon Corp., B-232721, Feb. 3, 1989, 89-1 CPD ¶ 113.

The Army states that Mr. Teufel's participation in the preparation of the PWS was limited to beginning an updating process on the existing contract, and ended some 15 months prior to the issuance of the solicitation. The agency asserts that the PWS was substantially changed both after Mr. Teufel's participation on the task force ended, and after he left government service. The Army also states that any information to which Mr. Teufel may have been provided

7 Under the OFPP Act, a procurement official is one who, among other things, participated personally and substantially in drafting a specification or a statement of work for that procurement. Federal Acquisition Regulation (FAR) § 3.104-4(h)(1). A procurement official is precluded for 2 years from participating in any manner as a representative of a competitor in any negotiation leading to the award of a contract. 41 U.S.C. § 423(f); FAR § 3.104-3.

access was not inside information, as it was later released in the RFP to all offerors.

In response, ITT merely asserts, without support, that Mr. Teufel, as a member of the task force, "undoubtedly" acquired information beyond that which appeared in the RFP, which he was able to use in preparation of the Tecom proposal. ITT has not pointed to any such information, even on a speculative basis, nor has it rebutted the agency's assertion that the changes made in the solicitation after Mr. Teufel's departure from the task force necessarily limited his access to any inside information. With no showing that Mr. Teufel may have had access to inside agency information not found in the RFP that could have provided an unfair competitive advantage to Tecom, we have no basis upon which to find that his provision of services to Tecom was improper. See Sierra Technology and Resources, Inc., B-243777.3, May 19, 1992, 92-1 CPD ¶ 450; FHC Options, Inc., supra.

ITT also asserts that since ITT BSI was the incumbent contractor for provision of these services, "it is likely" that Mr. Teufel, by virtue of his Army position, was familiar with the ITT organization, procedures, and performance, thus allowing Tecom to avail itself of ITT's work product and strategies.

The Army states that it cannot say with certainty whether Mr. Teufel would have had access to ITT BSI's proprietary information relating to contract administration and billing. However, it reports that he could have had access to a monthly summary billing report provided by ITT, which provided total labor hours and labor costs by accounting processing code, but did not detail numbers of employees or categories of employment. The agency also reports that he could have had access to a listing of contract personnel which did not address how many productive hours each employee worked or provide categories of employment. The Army states, however, that no information of a proprietary nature was provided to Mr. Teufel as part of a deliverable in the contract.

ITT does not specifically address any of the Army's statements concerning the documents to which Mr. Teufel may have had access. While the protester generally alleges that Mr. Teufel had access to its staffing data, it does not explain how the billing report or the listing of its contract personnel could have provided Tecom with an unfair competitive advantage. Likewise, while ITT generally alleges that Mr. Teufel had access to its contract performance data, it does not specifically refute the Army's contention that no information of a proprietary nature was provided to Mr. Teufel under the contract, and

it does not explain how, if at all, Mr. Teufel's interaction with ITT personnel concerning the stock record account would have provided him access to proprietary information that could have provided an unfair competitive advantage to Tecom.

Finally, there is no evidence that Mr. Teufel disclosed any inside information to which he may have had access as a government official to Tecom.⁸ Allegations of possible impropriety, unaccompanied by supporting evidence, amount to speculation, Sierra Technology and Resources, Inc., supra and, as such, do not provide a basis for protest. Key Book Serv., Inc., B-226775, Apr. 29, 1987, 87-1 CPD ¶ 454.

Evaluation of Cost Proposal

ITT argues that the Army's analysis of its proposed cost was flawed. The protester asserts that, in establishing the most probable cost of ITT's proposal, the Army erroneously increased the firm's proposed cost to account for extra manpower.

The evaluation of competing cost proposals requires the exercise of informed judgment by the contracting agency involved. This is so because the agency is in the best position to assess "realism" of cost and technical approaches and must bear the difficulties or additional expenses resulting from a defective cost analysis. Since the cost realism analysis is a judgment function on the part of the contracting agency, our review is limited to a determination of whether an agency's cost evaluation was reasonably based and not arbitrary. Raytheon Support Servs. Co., 68 Comp. Gen. 566 (1989), 89-2 CPD ¶ 84; Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325. The record here indicates that the Army's cost analysis of ITT's proposal was reasonable.

Under paragraph L-33 of the RFP, a Full-Time Equivalent (FTE) labor-year is considered to be 2,087 labor-hours per year less 80 hours for vacation and 80 hours for holidays, resulting in 1,927 labor-hours per year. The cost and technical committees determined that any offeror

⁸ We note that on November 15, 1991, in contemplation of his pending retirement from the government, Mr. Teufel asked the agency for a legal opinion concerning post-employment restrictions. In accordance with that ethics opinion, Mr. Teufel executed a certificate acknowledging his understanding that he was under a continuing duty not to disclose proprietary or source selection information to any source during the conduct of the procurement.

proposing fewer than 1,927 productive labor-hours in a productive labor-year would have its most probable cost adjusted to reflect a 1,927 productive labor-hour base, unless the contractor provided acceptable justification in its technical proposal for a lower amount.

ITT's BAFO proposed to accomplish all tasks with 269.38 labor-years of labor, with a labor-hour rate of 1,927 hours per year for most full-time employees. However, after reviewing the proposal, the SSEB found that ITT had included 69 hours per FTE of sick leave in its calculation of the 1,927 productive labor-hours. Since sick leave hours are not productive hours, the SSEB reduced ITT's productive labor-hour figure to 1,858.

The technical committee evaluated ITT's proposal and determined that the requirements of the RFP could not be accomplished using ITT's proposed methodology with 269.38 labor-years of staff working 1,858 productive labor-hours per year. As a result, the technical committee adjusted several labor classifications, resulting in a net increase of 14.1 FTEs needed to perform the work, with each additional employee working 1,927 productive labor-hours. The cost of these additional FTEs, a total of \$2,089,054, was added to ITT's proposed cost to make up part of the firm's most probable cost.

After making these adjustments to the most probable labor force needed using ITT's methodology, the technical committee believed that the RFP's requirements could be performed by the adjusted labor force if all employees in that adjusted work force worked 1,927 productive labor-hours per year. Accordingly, the technical committee asked the cost committee to increase ITT's proposal to account for 1,927 productive labor-hours for each FTE not already accounted for above--69 hours for each of the originally proposed 269.38 FTEs, or 18,587 productive labor-hours. This adjustment was made in the amount of approximately \$1.4 million.

In its comments on the agency report, ITT argued that the initial adjustment made to account for the inclusion of sick leave in its proposed productive hours was not applied uniformly to all offerors. The protester asserted that Tecom's proposed 1,927 productive labor-hours included sick leave and other nonproductive time, but was not reduced by 69 hours per FTE. ITT also asserted that Tecom proposed fewer employees than did ITT.

⁹A third adjustment, not at issue here, was made in the amount of \$24,040 for a delivery vehicle which was required by the terms of the RFP but left out of ITT's proposal.

In a supplemental report, the Army countered that Tecom's 1,927 productive labor-hours did not include sick leave or other nonproductive time; as a result, the agency was not required to reduce that figure to account for such time. The Army also explained that the number of FTEs is not controlling, but, rather, the number of productive labor-hours offered. Tecom offered 1,927 productive man-hours for each of 268 FTEs, for a total of 516,436 productive labor-hours of staff to perform the contract requirements. ITT, on the other hand, offered 1,358 productive labor-hours for each of 269.38 FTEs, for a total of 500,008 productive labor-hours of staff to perform the contract requirements. As a result, Tecom offered more productive labor-hours than did ITT. In its response to the supplemental report, ITT does not rebut the agency's contention that Tecom proposed 1,927 productive labor-hours per year, and a total proposed productive labor-hour figure that exceeded that proposed by ITT. Based on our review of the record, we have no basis to conclude otherwise. See Atmospheric Research Sys., Inc., B-240187, Oct. 26, 1990, 90-2 CPD ¶ 338.

ITT also contends that there is no support in the record for the Army's determination that ITT's proposed 269.38 FTEs provided for insufficient staffing. The protester states that the technical committee found that ITT proposed sufficient productive labor-hours and staffing to perform the requirements.

The protester's position does not reflect a full reading of the technical committee's evaluation documents. The consensus scoring sheet for staffing stated that a numerical comparison between the government estimate and the staffing proposed indicates the offeror has a reasonable staff overall and can logically perform the requirements by controlling and scheduling work. However, it goes on to say that the evaluators believed the offeror was deficient in drivers and dispatchers in vehicle operations and some maintenance staffing--the consensus was that the offeror's staffing was acceptable and generally well thought out with some exceptions as noted in individual evaluations.

The consensus scoring sheet for maintenance of equipment states that:

"a numerical comparison between the staffing proposed and the government estimate reveals a shortage of about 19 percent. Staffing proposed is marginally adequate to perform requirements but is within the reasonable range. Adjustments will be made to the most probable cost."

Similarly, the consensus scoring sheet for transportation services states that there was an unsubstantiated staffing deficiency. In light of the evaluation documents, unchallenged by the protester, we have no basis to question the reasonableness of the agency's determination to increase ITT's staffing for purposes of the most probable cost analysis.

Finally, ITT takes issue with the Army's statement of an alternative way it could have adjusted ITT's cost proposal. As stated above, the agency initially added 14.1 FTEs working 1,927 productive labor-hours per year, then added 69 productive labor-hours per year to each of the originally proposed 269.38 FTEs. The Army stated that the same net effect could have been obtained by increasing the number of additional employees needed from 14.1 FTEs working 1,927 productive labor-hours per year to 24.6 FTEs working 1,858 productive labor-hours per year. ITT "pleads ignorance of new math," arguing that neither calculation equals 18,587 productive labor-hours.

A careful reading of the Army's statement shows that the Army did not state that either calculation equalled 18,587 productive labor-hours. Rather, the Army explained that, in addition to the increase it had already factored into the adjustment--14.1 FTEs working 1,927 productive labor-hours per year--it also needed to add 18,587 productive labor-hours per year. It did that by adding 69 productive labor-hours to each of the 269.38 FTEs initially proposed ($269.38 \times 69 = 18,587$), for a total of 45,757.7 increased productive labor-hours. As an alternative to both of these adjustments, the Army could have simply added 24.6 FTEs working 1,858 productive labor-hours per year, as 45,757.7 divided by 1,858 yields 24.6 FTEs. Since the protester does not otherwise dispute this explanation, we have no basis to find the Army's adjustment unreasonable.

Quality Control Evaluation

ITT argues that the agency improperly evaluated its quality control plan. The protester contends that it is "unbelievable" that it could have received zero points for submitting a quality control plan that has received outstanding awards for years under its current contract.¹⁰

¹⁰To the extent that ITT argues that the agency improperly failed to consider its past performance in the evaluation of its quality control plan, we note that past performance was not an evaluation factor listed in the solicitation. Further, while ITT asserts that an agency may consider in

(continued...)

ITT also argues that its quality control plan was, at a minimum, responsive to the RFP's requirements and, thus, deserved a higher score than zero.

In reviewing protests concerning the evaluation of proposals, our function is not to reevaluate the proposal and make our own determination about its merits. This is the responsibility of the contracting agency, which is most familiar with its needs and must bear the burden of any difficulties resulting from a defective evaluation. Base Servs., Inc., *supra*. Procuring officials have a reasonable degree of discretion in evaluating proposals, and we will examine the agency's evaluation only to ensure that it had a reasonable basis. *Id.*

The SSEB downgraded ITT's quality control plan primarily because it was very general, and lacked specific information regarding the "who, what, when, where, or how a viable quality control program will be implemented." The consensus scoring form for ITT's quality control plan describes such things as a failure to provide detailed quality control plans in favor of examples and checklists; a "vague, incomplete, and very inaccurate" description of inspection techniques; a mere outline of project inspections and audits; and a glossing over of interface and communications with government inspectors.

The protester's response, in which it generally asserts that, for example, it provided a detailed training plan, proposed specific inspection techniques, and diagrammed the interface between the government and contractor, is insufficient to convince us that the agency's evaluation was unreasonable, considering that the protester does not challenge any of the agency's specific findings. Mere disagreement with the agency's conclusion does not render the evaluation unreasonable. Litton Sys., Inc., B-239123, Aug. 7, 1990, 90-2 CPD ¶ 114.

ITT also contends that, regardless of its weaknesses, its quality control plan contained enough detail to warrant a rating of more than zero. However, even if ITT is correct, it has not shown that it could have received a rating high enough, given the specific deficiencies noted by the agency and unrebutted by the protester, to have made it eligible

¹⁰ (...continued)

the evaluation information outside of the proposal when doing so is consistent with long-standing procurement practice, Western Medical Personnel, Inc., 66 Comp. Gen. 699 (1987), 87-2 CPD ¶ 310, it is not required to do so.

for award under the evaluation scheme. Prejudice is an essential element of every viable protest. Lithos Restoration, Ltd., 71 Comp. Gen. 367 (1992), 92-1 CPD ¶ 379.

COST COMPARISON

ITT finally alleges that the Army improperly conducted its cost comparison between the government's in-house proposal and that of Tecom.

Since we have found that the Army's evaluation of proposals here was reasonable, and, thus, that the selection of Tecom's proposal over that of ITT was reasonably made, we deny ITT's protest on that ground. As a result, ITT is not an interested party to protest the conduct of the cost comparison, as it would not be eligible for award if the protest were sustained. See 4 C.F.R. § 21.0(a) (1994); Georgetown Univ., B-249365.2, Jan. 11, 1993, 93-1 CPD ¶ 87.

The protest is denied in part and dismissed in part.

Robert P. Murphy
Acting General Counsel

¹¹ For similar reasons, we need not reach ITT's argument that it was not afforded adequate discussions concerning its quality control plan. At any rate, we note that in the first round of discussions, ITT was given eight discussion items about this plan, including instructions to provide specific and detailed quality control plans, to identify methods for evaluating contract performance, and to explain how project inspections and audits would be accomplished. Under the circumstances, considering that ITT has failed to identify any specific deficiencies in the plan that it believes were not adequately discussed, we have no basis to find the agency's discussions inadequate.