

Mr. Westfall & Co. Inc.



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: AAMED, Inc.
File: B-261104.2
Date: June 15, 1995

DECISION

AAMED, Inc. requests reconsideration of our May 3, 1995 decision dismissing its protest against the award of a contract to Lors Medical Corporation under invitation for bids (IFB) No. 69D(CSC)-285-95, issued by the Department of Veterans Affairs for home oxygen service for beneficiaries under the jurisdiction of the Lakeside VA Medical Center in Chicago. We dismissed the protest on the grounds that AAMED was not an interested party to challenge the award to Lors since it would not be in line for award if its protest were sustained. In this regard, we noted that another bidder, Health Care Services, whose eligibility for award AAMED had not challenged, had submitted a bid price lower than AAMED's. In its request for reconsideration, AAMED contends that Health Care Services would not necessarily be in line for award ahead of it if Lors' bid were rejected since, according to the protester, the IFB did not require award to the lowest-priced bidder. The protester also argues that it did challenge the eligibility for award of Health Care Services in an agency-level protest dated March 28, 1995.

We affirm our dismissal.

The protester's argument that the solicitation permitted award to other than the lowest-priced responsible bidder submitting a responsive bid is without merit. The IFB contained the standard contract award clause pertaining to sealed bids, Federal Acquisition Regulation § 52.214-10, which provides for award to the responsible bidder whose bid, conforming to the solicitation, will be most advantageous to the government considering only price and the price-related factors specified elsewhere in the solicitation. The IFB here did not identify any additional price-related factors to be considered in the evaluation of bids.

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Regarding AAMED's contention that it did protest the intervening bidder's eligibility for award, the protester neither challenged Health Care Services' eligibility for award in its protest to our Office nor brought to our attention the fact that it had filed an agency-level protest challenging Health Care Services' eligibility. A protester which fails to bring relevant information bearing on its status to our attention in its initial protest runs the risk that we will dismiss its protest and refuse to reconsider the matter should it subsequently present information establishing its interested party status. Robert Wall Edge-Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335. Any other approach would permit a protester to present this material information in a piecemeal fashion and possibly disrupt the procurement process indefinitely. Id.

Our dismissal of the protest is affirmed.



Michael R. Golden
Acting Associate General Counsel