



Decision

Matter of: Astrosystems, Inc.--Reconsideration
File: B-260399.3
Date: September 12, 1995

DECISION

Astrosystems, Inc. requests reconsideration of our decision Astrosystems, Inc., B-260399.2, July 11, 1995, 95-2 CPD ¶ 18, wherein we denied its protest against the award of a contract to Harris Technical Services Corporation (HTSC) under request for proposals (RFP) No. N00383-93-R-0509, issued by the Department of the Navy, Aviation Supply Office (ASO), for the repair, overhaul, and modification of aircraft testing systems.

We deny the request.

The solicitation contemplated award of a fixed-price, indefinite quantity requirements contract for 2 base years with 3 option years to furnish the labor, material, and facilities necessary for the repair, overhaul, and modification of five testing systems used to test avionics on Navy aircraft. The solicitation requested line item unit prices for repairing/overhauling 1,535 different parts and assemblies, for each of which it included an estimated requirement for each year. The RFP stated that award would be made to the low acceptable offeror; Harris submitted the low overall price.

In its protest of the resulting award to HTSC, Astrosystems argued that ASO should have rejected HTSC's proposal as unbalanced because it contained nominal prices--\$10--for some line items and overstated prices for others, resulting in a front-loaded offer that was not low until the fourth (second option) year. Astrosystems also claimed that the solicitation estimates were faulty.

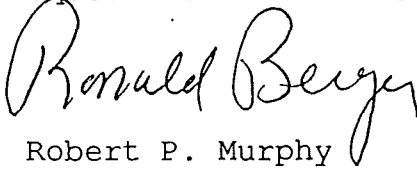
We denied Astrosystems's protest. With regard to estimated quantities in requirements-type solicitations, unless it can be shown that the agency's estimates are not reliable, Outer Limb, Inc., B-244227, Sept. 16, 1991, 91-2 CPD ¶ 248, a low evaluated bid cannot be rejected merely because it is mathematically unbalanced since there would be no reason to believe that acceptance of the low bid would not actually result in the lowest cost to the government. DOD Contracts, Inc., B-227689.2, Dec. 15, 1987, 87-2 CPD ¶ 591. We held

that since Astrosystems was aware of the bases for its challenge to the solicitation estimates not later than the closing date for the receipt of best and final offers, but did not protest use of the solicitation estimates until after the award to HTSC, its protest in this regard was untimely. See 4 C.F.R. § 21.2(a)(1) (1995); Capitol Paving of D.C., Inc., B-256896, July 5, 1994, 94-2 CPD ¶ 10. In any case, we found that the record supported ASO's position that the estimates were reasonably based on the best information available. We further found that the record supported the reasonableness of the agency's position that exercise of the options is reasonably likely such that there is no reasonable basis to doubt that HTSC's offer will result in the lowest ultimate cost to the government.

In its request for reconsideration, Astrosystems argues that our decision overlooked the fact that HTSC, by offering "token prices" for the majority of schedule items, had allegedly failed to comply with a solicitation requirement to submit prices on all items, thereby acquiring an unfair competitive advantage.

This argument is without merit. Although many of the prices offered may have been nominal, HTSC's offer obligated it to perform each of the schedule items at a price certain, thereby assuring ASO that its minimum needs for repair and modification services would be met. Moreover, given the solicitation estimates, which Astrosystems has failed to establish were unreasonable, and HTSC's overall lower prices, there is no basis to question ASO's determination that award to HTSC will result in the lowest ultimate cost to the government. Thus, Astrosystems has failed to show any errors of fact or law or present information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a).

The request for reconsideration is denied.


Robert P. Murphy
General Counsel