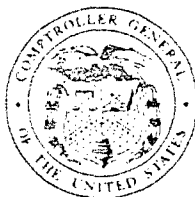


Protest

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

10,610

FILE: B-193128

DATE: June 28, 1979

MATTER OF: Design and Evaluation, Inc.

DL601969

DIGEST:

[Protest against sole-source award] is denied where procuring activity had shown that only firm with data processing base and prior expertise in project area could complete contract within timeframe required.

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Design and Evaluation, Inc. (DE), has protested the sole-source award to Evaluation Associates, Inc. (Evaluation Associates), of a contract by the Naval Air Engineering Center (NAEC), Lakehurst, New Jersey.

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The contract is for engineering and technical services in research and development and application of a universal ground support equipment reliability and maintainability master plan for the F-18 aircraft, AV-8B advanced Harrier aircraft, and the light airborne multipurpose systems.

Prior to the award of the contract, NAEC conducted a market survey and considered four firms other than Evaluation Associates for performance of the contract but concluded none of the firms had the requisite experience to perform the contract within the required timeframe. DE was not one of the four firms surveyed.

Evaluation Associates was found to be the only firm capable of meeting the Government's needs because of the urgent delivery requirements. Evaluation Associates was the subcontractor for the specialized weapon systems reliability and maintainability study for the F-18 under a prime contract awarded 2 years ago. NAEC states that in view of this prior experience, Evaluation Associates developed an expertise and data processing base which would take another contractor an

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additional 6 to 9 months to develop, a delay which cannot be tolerated under the program.

The reason for the urgency was explained as follows in NAEC's sole-source justification:

"The contract deliverables are urgently required to implement the GSE R&M program mandated by DOD Directive 5000. The U.S. Navy cannot afford to impose full R&M requirements on the many thousands of different GSE [Ground Support Equipment] end items developed for each weapon system. Accordingly, the deliverables are urgently required to effectively and efficiently implement in a responsive manner the DOD Directive R&M requirements. The deliverables are critical and urgent to the LAMPS MKIII Weapon System project as this project is in serious jeopardy and may be cancelled unless the weapon system R&M can improve a more reliable use; yet the weapons system is needed. From a technical viewpoint, the deliverables are both critical and urgent to the AV-8B, Advanced Harrier and LAMPS MKIII projects. These weapon systems will operate from austere, rugged/hostile environments. The AV-8B is planned to operate 20 miles from enemy lines and the LAMPS MKIII will operate from small, low deck, non aviation ships (destroyer class) and out of range of carrier support. The GSE utilized in these environments must be extremely reliable and maintainable to insure weapon system readiness. The LAMPS MKIII GSE began development in March of this year and the AV-8B will begin development in January 1979. The F-18 GSE began development approximately 2 years ago and has served as the prototype for the R&M GSE program. It was through the F-18 GSE R&M experiences that the need for deliverables

was identified. Accordingly, the need for a GSE R&M Master Plan presently exists and requires immediate development to meet DOD and PMA (Project Manager Air) requirements."

DE's protest is based on the contentions that numerous other firms, including itself, are capable of performing the contract and that its hourly rate is lower than Evaluation Associates' rate.

NAEC has responded to the above by stating that DE was not contacted during the market survey because it was not known to have expertise in Navy weapon system ground support equipment. Concerning past performance of NAEC contracts, NAEC states that its records reveal that DE was awarded two purchase orders of \$7,300 and \$7,500 in 1976 and 1977, respectively, but that these orders only dealt with general reliability and maintainability. In the other contracts cited by DE to show its ability, NAEC states DE was a subcontractor on these and the subcontract amount did not exceed \$2,500.

Regarding DE's cost argument, we note that cost was not cited as a basis for sole-source award and, therefore, do not find a lower hourly rate (\$22 per hour vs. \$27.97 per hour) as a basis for including a firm which the procuring activity deems not capable of meeting its delivery schedule.

Our Office has recognized that a sole-source procurement is justified where time is of the essence and only one known source can meet the Government's needs within the required timeframe. 52 Comp. Gen. 987 (1973). We have upheld sole-source awards where the awardee possessed expertise, gained from prior contract performance, which would permit the Government's requirements to be met within the required schedule. Iroquois Research Institute, B-188267, May 20, 1977, 77-1 CPD 355 and H. J. Hansen Company, B-181543, March 28, 1975, 75-1 CPD 187.

In the instant case, we believe NAEC has justified the sole-source award to Evaluation Associates, in view of Evaluation Associates' expertise in the area, the possession of the data processing base and the time constraints under which the project must be completed.

Accordingly, the protest is denied.


Acting Comptroller General
of the United States