

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. O. 20548

118698

FILE: B-207249

DATE: June 15, 1982

MATTER OF: FMC Corporation, Northern Ordnance  
Division**DIGEST:**

Protest against provision in RFP requiring addition of rental factor where offeror proposes to use Government property on rent-free basis is dismissed as academic, since protester is not the low offeror even if the rental factor is eliminated.

FMC Corporation, Northern Ordnance Division (FMC), protests the provision in Naval Sea Systems Command (NAVSEA) request for proposals (RFP) No. N00024-82-R-7032(S) for the addition of a rental factor to an offer where an offeror proposes to use Government production and research property on a rent-free basis.

FMC protests because it proposes to use Government property and it believes that the addition of a rental factor will provide its foreign competition an advantage. FMC also protests that the RFP does not provide FMC sufficient time to calculate adequately the rental factor to be added to the offer.

The protest is dismissed.

Notwithstanding the protest, FMC participated in the competition under the RFP. Information provided to our Office by NAVSEA for our in camera inspection shows that FMC is not the low offeror even if the rental factor is eliminated from consideration. Therefore, resolution of the protest is not determinative of the successful offeror and is academic. Honeywell, Inc., B-205093, March 16, 1982, 82-1 CPD 248.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel