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DECISION



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

FILE: B-215081 **DATE:** February 25, 1985
MATTER OF: International Business Investments, Inc.

DIGEST:

Allegation of vagueness and ambiguity is based on unreasonable interpretation of solicitation where requirement is clearly stated. Allegation that solicitation was defective, requiring recompetition, because workload estimates were allegedly not based on "best available data" and included requirement for "error-free" production of small part of word processing requirement, is denied where more current information was provided and there is no evidence protester, ninth low bidder and former incumbent, was prejudiced by either requirement.

International Business Investments, Inc. (IBI), has filed a protest against invitation for bids (IFB) No. F41800-84-B-8408 issued by the San Antonio Contracting Center of the United States Air Force. The IFB is for the provision of word processing services for the Headquarters, Air Force Manpower and Personnel Center, at Randolph Air Force Base, Texas. IBI contends that the workload data in the IFB was inaccurate and that the Air Force failed to use the best available information in structuring the IFB. IBI seeks a recompetition of this requirement. We deny the protest.

IBI was awarded a contract for these services in October 1983 as the result of a cost comparison study made pursuant to Office of Management and Budget Circular A-76 and began performance in December 1983. On March 12, 1984, IBI's contract was the subject of a no-cost termination for the convenience of the government. The Air Force describes this action as an alternative to a termination for default due to IBI's failure to perform satisfactorily.

The IFB was issued on April 9, 1984. Workload estimates in the IFB were based on data collected over the period from April 1981 through March 1982 in connection

with the Air Force's cost comparison study. (The Air Force explains that it used this data because it was determined to be more reliable and representative of a normal period of operations than data which might be collected once the cost comparison was actually underway.) These estimates indicated, in general terms, the number of lines of text that a contractor could expect to process, the estimated percentage of priority requests, and a growth factor for future years. The IFB also stated that an undetermined number of disks (used in word processing to store documents and forms electronically for future editing or use) containing variable and permanent documents would be made available to the contractor and explained that the contractor could either use the disks, if compatible with the contractor's equipment, or convert them, at no cost to the government, for such use. The IFB also explained that if the contractor elected not to use the disks or the data on them, the contractor could expect to experience an increase in the number of original lines to be typed.

On April 16, 1984, IBI submitted a list of 46 questions regarding the IFB, including a number of questions on the workload data. These questions and the Air Force's answers were provided to all bidders in a letter dated April 20, 1984, as was a copy of IBI's performance report for February 1984, which included summary production figures by priority categories.

IBI contends that the IFB was defective because the workload estimates were not based on the best available information and that resolicitation is therefore required. In this respect, IBI contends that the workload information in the IFB was inconsistent with its own experience on the contract and with data covering the period immediately preceding IBI's assumption of the contract. (Since the termination of IBI's contract, the Air Force has performed these services in-house on a limited basis.)

IBI states that this more recent data indicates that there are a higher percentage of priority requests than estimated in the solicitation which would require a contractor to have more staff members in order to process the orders within required time limits. IBI also asserts that a requirement in the solicitation for certain priority requests to be error-free violates the provisions of Air Force Regulation 400-28 and contends that the requirement for disk conversion was vague and ambiguous because it did not specify either the quantity of data or the number of

disks that the contractor would be required to convert. IBI states that it was prejudiced because it was the only bidder with knowledge that the number of priority requests was higher than the estimate stated in the IFB.

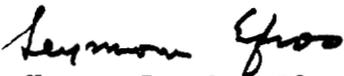
Twelve bidders responded to the solicitation. IBI was the ninth lowest bidder.

As an initial matter, we note that IBI's assertion that the IFB was vague and ambiguous with respect to the "requirement for disk conversion" is unpersuasive. The Air Force intended with this provision only to advise potential contractors that disks containing certain text would be made available and that contractors could use them or not, at their own election. This intent is accurately reflected in the IFB and we find IBI's suggested interpretation unreasonable.

With respect to the balance of IBI's protest, we find that even if we accept IBI's contention that the workload estimates in the IFB understated the percentage of priority requests that a contractor might expect, there is no basis upon which we might conclude that IBI was prejudiced. In this regard, we note particularly that IBI's performance report for February 1984, clearly showing the level of priority requests which IBI contends the IFB should have disclosed, was provided to all bidders. Moreover, there is nothing in the record which indicates that IBI might somehow have been the low bidder were it not for the "error-free" requirement for a small part of the overall word processing requirement. In these circumstances, we do not believe IBI was prejudiced, even if we accept IBI's contentions.

We have not recommended cancellation and resolicitation of even a defective solicitation where the award would serve the interests of the government and would not prejudice other bidders. Linda Vista Industries, Inc., B-214447, B-214447.2, Oct. 2, 1984, 84-2 C.P.D. ¶ 380. Absent evidence of prejudice here, we find no basis to question the procurement.

The protest is denied.

for 
Harry R. Van Cleve
General Counsel