

# DECISION



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

FILE:

B-220891

DATE: November 1, 1985

MATTER OF:

The Dunham Tool Company, Inc.

## DIGEST:

Where protester alleges that it should have been awarded the contract but fails to take any exception with the agency's evaluation of proposals, protest is properly dismissed for failure to state a basis for protest.


The Dunham Tool Company, Inc (TDTC) protests the award of a contract to the Warner and Swasey Company (WSC) under solicitation No. USM85-22 issued by the Department of the Treasury. TDTC alleges that it should have been awarded the contract and complains that Treasury should have spent more time evaluating its proposal.

Under our Bid Protest Regulations, 4 C.F.R. § 21.1(c)(4) (1985), a protest filed with our Office must set forth a detailed statement of the legal and factual grounds for protest. TDTC was debriefed by Treasury and the record shows that it submitted the lowest cost proposal but that its technical proposal was not rated highly. Although arguing that it should be awarded the contract, TDTC has not alleged that the evaluation of its proposal was not properly conducted nor has the firm in any way questioned Treasury's evaluation of WSC's proposal. In a negotiated procurement, award need not be made to the lowest cost offeror and absent evidence that TDTC's proposal was not properly evaluated or that the award was not made in conformance with the solicitation's evaluation criteria, we have no basis to consider this matter.

Furthermore, while TDTC has alleged that the agency should have allotted more time for the evaluation of proposals, TDTC has not indicated why the evaluation could not

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have been completed in the timeframe set by the agency. Accordingly, the protest is dismissed for failure to state a basis for protest.

A handwritten signature in black ink, reading "Ronald Berger". The signature is fluid and cursive, with the first name "Ronald" and last name "Berger" clearly distinguishable.

Ronald Berger  
Deputy Associate  
General Counsel