

J. Melody



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: McLaughlin Associates--Request for Reconsideration
File: B-228332.2
Date: November 9, 1987

DIGEST

Request for reconsideration of dismissal is denied where protester shows no errors of fact or law in determination that protester is not interested party.

DECISION

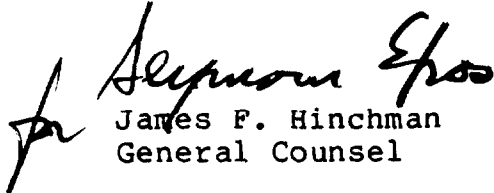
McLaughlin Associates requests reconsideration of our October 14, 1987 dismissal of its protest under request for proposals (RFP) No. N00600-87-R-3879, issued by the Department of the Navy. We deny the request.

McLaughlin argued in its protest that the price at which the contract was awarded (\$66,050) was too low to assure satisfactory performance of the contract. We dismissed the protest because award was to be made to the low, technically acceptable offeror and McLaughlin was the sixth low technically acceptable offeror. Since McLaughlin thus would not be in line for award even were its protest against the awardee sustained, we found that McLaughlin lacked sufficient interest in the outcome to qualify as an "interested party" eligible to protest under our Bid Protest Regulations. 4 C.F.R. § 21.0(a) and 21.1 (1987).

McLaughlin argues on reconsideration that it in fact was in line for award since, in a negotiated procurement, award does not necessarily have to be based on the lowest cost. While McLaughlin is correct that cost is not automatically controlling in a negotiated procurement, award certainly may be, and often is, based on cost. Federal Acquisition Regulation, 48 C.F.R. § 15.605(c) (1986). Whatever the significance of cost in a given procurement, award must be based on the evaluation scheme set forth in the RFP. See Dalfi, Inc., B-224248, Jan. 7, 1987, 87-1 CPD ¶ 24. Since the RFP here provided for award to the low, technically acceptable offeror, and the firms that offered prices lower than McLaughlin's were found technically acceptable, McLaughlin obviously would not be in line for award under the evaluation scheme, even if its protest were successful.

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We have reviewed the reconsideration request and found that McLaughlin presents no errors of fact or law that would warrant our reconsideration of this matter. Accordingly, the reconsideration request is denied.

James F. Hinchman
General Counsel