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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Test and Evaluation Systems Group

File: B-247656.3

Date: May 22, 1992

DECISION

Test and Evaluation Systems Group (TESG) protests the award of a contract to National Technologies Associates, Inc. (NTA) under request for proposals (RFP) No. N00421-90-R-0100, issued by the Naval Air Warfare Center, for test and evaluation program development and program management support services.

We dismiss the protest.

The RFP, as amended, called for a fixed price, indefinite quantity/indefinite delivery contract. Technical factors were more important than price under the evaluation scheme. However, the degree of importance of price increased as the technical proposals became more equal, and price could become the deciding factor depending upon whether a highly evaluated technical proposal warranted the price differential. Award was to be made to the offeror whose proposal offered the greatest value to the government in terms of technical capability and cost.

Ten offerors, including TESG and NTA, submitted proposals. Based on initial evaluations, four of the proposals were eliminated as technically unacceptable and discussions were conducted with the remaining six offerors. The agency determined that all six revised proposals were technically acceptable and solicited best and final offers (BAFOs). TESG's BAFO received the sixth highest technical score and had the third lowest price, which resulted in its receiving the fourth highest combined technical/price score. NTA's proposal received the third highest technical score and had the lowest price, resulting in the second highest combined score. A third proposal received the highest technical score and had the second lowest price, resulting in the highest combined score.

In the final award evaluations, the Navy reviewed the bases for the difference in technical scores and determined that the proposals of NTA and the third offeror were technically equal. As a result, NTA, the offeror proposing the lower

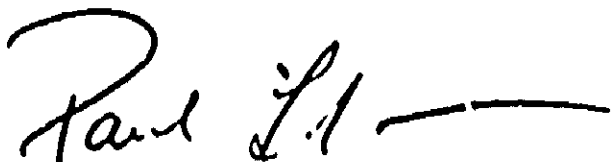
price, was awarded the contract. A fourth offeror, AMEWAS, Inc., filed a protest with our Office contending that the Navy had misapplied the cost evaluation criteria. Since the third offeror was next in line for award, we dismissed AMEWAS' protest on the basis that AMEWAS was not an interested party under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1992).

TESG, upon receiving a copy of our dismissal of AMEWAS' protest, and believing itself to be the third offeror, and thus assuming that its BAFO had received the highest technical score, filed a protest arguing that the Navy had placed too much emphasis on price instead of technical merit. The Navy requests that we dismiss the protest because TESG is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit or relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Here, the contracting officer's price justification memorandum establishes that the third offeror, whose proposal is rated higher technically and offers a lower price than TESG, would be next in line for award if TESG's protest allegations were found meritorious. TESG's proposal is rated sixth technically, and TESG is fourth in line for award overall. Since TESG has not challenged the eligibility for award of the third offeror, the protester lacks the direct economic interest required to maintain a protest.

The protest is dismissed.



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