



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

Decision

Matter of: CardioMetrix
File: B-252758.3
Date: May 20, 1994

Robert J. Loring for the protester.
C. Joseph Carroll, Esq., Federal Bureau of Prisons, for the agency.
Guy R. Pietrovito, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

A solicitation's estimated order quantities which, as of the closing date for receipt of proposals and award selection date, were based upon the procuring agency's prior year's actual order quantities, were reasonably accurate representations of the agency's anticipated actual needs.

DECISION

CardioMetrix protests the award of a contract to Institute of Laboratory Medicine (ILM) under request for proposals (RFP) No. 224-0017, issued by the Federal Bureau of Prisons for various clinical laboratory services. CardioMetrix challenges the accuracy of the solicitation's estimated quantities for certain laboratory tests.

We deny the protest.

The RFP, issued as a total small business set-aside, contemplated the award of a fixed-price requirements contract on a "best value" basis for various clinical laboratory services for a base and 4 option years. By solicitation amendment, dated September 10, 1993, offerors were provided with estimated annual quantities for each of the required services. With regard to the services relevant to this protest, offerors were informed of the following estimated annual quantities for urinalysis, CBC (complete blood count) and RPR (a syphilis test):

Urinalysis	3,428
RPR	3,288
CBC	3,488

Offers were received from CardioMetrix and ILM by the September 24 closing date for receipt of proposals. On October 18, ILM's offer was selected for award as most advantageous to the government under the RFP evaluation criteria. On October 29, CardioMetrix protested to the agency that the estimates provided for the urinalysis, RPR, and CBC tests were grossly inaccurate. The Bureau denied CardioMetrix's agency-level protest, and this protest to our Office followed.

CardioMetrix protests that the RFP's estimated quantities for the three laboratory services were grossly understated and do not reflect the agency's actual anticipated requirements. CardioMetrix notes that the actual monthly quantities of services ordered for urinalysis, RPR, and CBC from the incumbent contractor, Smith Beecham Clinical Laboratories (a large business), for the months of September, October, and November 1993, are substantially lower, when annualized, than the annual estimates stated in the RFP. The agency responds that the RFP's estimates were based upon the actual number of tests ordered from the incumbent contractor for the year ending June 1993, and that it believes that its anticipated actual requirements will be approximately the same as the historical number of tests ordered.

Where, as here, an agency solicits offers for a requirements contract on the basis of estimated quantities, the agency must base its estimates on the best information available. There is no requirement, however, that the estimates be absolutely correct. Rather, the estimated quantities must be reasonably accurate representations of anticipated actual needs. Dynallectron Corp., 65 Comp. Gen. 92 (1985), 85-2 CPD ¶ 634.

The record shows that the RFP's estimated quantities for the three tests relevant here were based upon the number of tests actually ordered from the incumbent contractor for the year ending June 1993. Specifically, the annual estimated quantities and actual ordered quantities of these tests are the following:


	Estimate	Actual
Urinalysis	3,428	3,428
RPR	3,288	3,288
CBC	3,488	3,488

CardioMetrix argues that the actual quantities of tests ordered for the months of September, October, and November 1993 indicate that the annual estimates will be much lower than represented in the RFP.¹

From our review of the record, we find no basis to conclude that the RFP estimates were not reasonably accurate. While CardioMetrix argues that the Bureau's recent monthly orders of these tests indicate that the Bureau's actual ordering may be lower than the RFP estimates, this is not determinative here. The Bureau reasonably based its solicitation estimates upon the prior year's actual order quantities, so the quantities relied upon by CardioMetrix in its protest arguments, ordered after the award selection, were not available to the agency. In any case, CardioMetrix has not proffered any reason or explanation as to why these 3 months of orders more accurately reflect the agency's full year requirements than the full prior year ordered quantities.

Under the circumstances, we see no reason to question the Bureau's use of historical ordering patterns to arrive at an annualized estimate, and conclude that the RFP's annualized estimates were, as of the September 10 solicitation amendment and October 18 award selection, reasonably accurate representations of the Bureau's anticipated actual needs.

The protest is denied.


for Robert P. Murphy
Acting General Counsel

¹The agency's order quantities for January through April 1994 appear consistent with the agency's orders for September, October, and November 1993.