



Decision

Matter of: CardioMetrix
File: B-260536
Date: June 29, 1995

Robert J. Loring for the protester.
Dr. Robert C. Frey for Managed Health Care, Ltd., an interested party.
Robert D. Hamel, Esq., and Maj. Michael G. Skennion, Department of the Army, for the agency.
C. Douglas McArthur, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Determination of an agency's minimum needs is primarily within the agency's discretion and where record shows that emergency care physicians routinely perform initial interpretation of electrocardiograms and x-rays, protest that it is inappropriate for any physician other than a cardiologist or a radiologist to perform such interpretations is denied.

DECISION

CardioMetrix protests the terms of request for proposals (RFP) No. DADA10-95-R-0027, issued by the Department of the Army for medical care at the Fort Drum, New York, Urgent Care Center.

We deny the protest.

On January 27, 1995, the agency issued the solicitation for a firm, fixed-price contract to provide health care services by medical or osteopathic physicians for a base year, with four 1-year option periods. On February 23, 3 days prior to the time set for receipt of initial proposals, CardioMetrix filed this protest, challenging two portions of the statement of work as unduly restrictive of competition.

Paragraph 1.3 of the statement of work (SOW) requires the contractor to ensure that physician services are performed by doctors of medicine or osteopathy. Paragraph 1.2.3.2 requires that contractor physicians have sufficient experience to perform certain routine tasks, including

064325/154931

consulting with specialists, providing advice on the telephone, filling out admission orders and other paperwork, obtaining patient histories, utilizing nurses and paramedics, directing radio communication with ambulance crews, and responding to cardiopulmonary arrests. The SOW also requires the experience necessary to interpret electrocardiograms and read x-rays.

With regard to this latter requirement, Cardiometrix contends that it is inappropriate for a physician who is neither a cardiologist nor a radiologist to render complete interpretations of electrocardiograms and diagnostic x-ray exams, and thus that it is inappropriate to require the contractor's physicians to perform the services of a cardiologist or a radiologist.

In preparing a solicitation for supplies or services, a contracting agency must specify its needs and solicit offers in a manner designed to achieve full and open competition, 10 U.S.C. § 2305(a)(1)(A) (1994), and may include restrictive specifications or conditions only to the extent necessary to satisfy the agency's needs. 10 U.S.C. § 2305(a)(1)(B). Where a protester alleges that a requirement is unduly restrictive, we review the record to determine whether the requirement has been justified as necessary to satisfy the agency's minimum needs. RMS Indus., B-247233; B-247234, May 1, 1992, 92-1 CPD ¶ 412.

The agency notes that, as provided in the SOW, the physicians here are essentially general practitioners, providing urgent and emergency care, including the initial screening and interpretation of electrocardiograms and x-rays. Contractor physicians are not expected to perform final interpretation and diagnosis, which are performed later by specialists as necessary; however, some initial interpretation is needed to decide whether to refer the patient elsewhere for treatment. Both the agency and the interested party point out that, despite the protester's assertion that it is inappropriate for emergency room physicians to interpret electrocardiograms and x-rays, they perform such services at other Army care centers and at other urgent care centers in the Fort Drum area. The record therefore establishes¹ both the need for contractor physicians to have had some experience in interpreting electrocardiograms and x-rays, and that emergency room physicians perform such services as part of their duties. As a result, we have no basis for finding the requirement unreasonable.

¹The protester did not respond to the agency report on the protest, instead requesting that we decide the protest on the existing record.

Cardiometrix also complains that the agency failed to provide a copy of Army Regulation 40-69, which governs the medical privileging process at Army installations and to which the solicitation refers. In response, the agency provided Cardiometrix with a copy of the pertinent sections of the regulation. Accordingly, this issue is academic.

The protest is denied.

\s\ Robert H. Hunter
for Robert P. Murphy
General Counsel