



**Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

**Matter of:** Service Ventures, Inc.

**File:** B-239770.2

**Date:** March 6, 1991

Charles A. Clement for the protester.  
Kenneth M. Bruntel, Esq., Crowell & Moring, for Pyramid Services, Inc., an interested party.  
Stephen M. Bodolay, Esq., Department of the Treasury, for the agency.  
C. Douglas McArthur, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Protester does not have the direct economic interest to be considered an interested party to protest the acceptability of the awardee's proposal where the protester would not be next in line for award even if its protest were sustained.

## DECISION

Service Ventures, Inc. protests the award of a contract under request for proposals (RFP) No. FTC 90-1, issued by the Federal Law Enforcement Training Center, Department of the Treasury, for operational student support services at the agency's training center in Artesia, New Mexico. The protester alleges that the agency improperly evaluated the awardee's proposal as the most advantageous to the government.

We dismiss the protest.

The RFP, issued on April 2, 1990, provided for award of a cost-plus-award-fee contract to the responsible offeror whose offer conforming to the solicitation was most advantageous to the government, cost or price and other factors considered. The RFP contained technical and cost factors with relative weights as follows:

050776/147326

	Points
(1) Technical Proposal	
(a) Plan of Operation	14.5
(b) Management Plan	14.5
(c) Qualification of Manager Other Key Personnel	14.5
(d) Quality and Pertinence of Related Company Experience	13.5
(e) Company Resources	12.5
(f) Responsiveness to Proposal Instructions	5.5
(2) Cost	<u>25</u>
TOTAL	100

Paragraph L.4 of the solicitation, Qualification of Offerors, stated that the agency would consider offers only from responsible organizations with at least 1 year experience in performing comparable service contracts.

The agency received 16 proposals on the June 8 closing date. The agency identified a competitive range of 11 offerors and requested each of these offerors to submit a best and final offer (BAFO) by November 13. By letter dated January 28, 1991, the agency notified offerors that it had awarded a contract to Pyramid Services, Inc., and this protest followed.

The protester argues that the agency should have eliminated the awardee from the competitive range because Pyramid failed to meet the requirements of paragraph L.4 of the RFP pertaining to experience. The protester further argues that even if the agency retained the awardee in the competitive range, the awardee, as a newly formed firm, could have received a score no higher than "zero" in the Quality and Pertinence of Related Company Experience and the Responsiveness to Proposal Instructions evaluation factors. With the awardee at such a disadvantage in the technical scoring and with the protester proposing a slightly lower cost, the protester believes that Service Ventures should have been entitled to award, if the agency had properly evaluated Pyramid's proposal and correctly applied the award criteria.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §§ 3551 and 3553(a) (1988), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1990), a protester must be an "interested party" before we will consider its protest. An interested party for purposes of eligibility to protest must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract. Where there are intermediate parties between the protester and the

successful offeror, we have generally considered the protester to be too remote to establish itself as an interested party since it would not be in line for award even if its protest were sustained. See Hydrosience, Inc., B-227989 et al., Nov. 23, 1987, 87-2 CPD ¶ 501.

The record before our Office shows that four offerors other than the awardee received a higher combined cost/technical score than the protester received. At least one of these four offered a lower proposed cost and, in the opinion of the technical evaluators, submitted a superior technical proposal. We do not therefore believe that Service Ventures is an interested party to protest the evaluation of Pyramid's proposal, since even assuming that the evaluation was improper, at least one and probably four intervening offerors would be in line for award, with substantially higher technical ratings and lower or comparable proposed costs. Service Ventures thus lacks the requisite direct and substantial interest with regard to the award to be considered an interested party. See Kaiserslautern Maintenance Group, B-240067, Oct. 12, 1990, 90-2 CPD ¶ 288.

The protest is dismissed.

*Michael R. Golden*

Michael R. Golden  
Assistant General Counsel