



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: MTA, Inc.

File: B-259017.3

Date: January 30, 1995

DECISION

MTA, Inc. protests the award of a cost-plus-incentive-fee contract to Vista Technology, Inc. under request for proposals (RFP) No. DAAH01-94-R-0068, issued by the Department of the Army. The contract is for the conversion of the Army's Land Combat Support System Test Program Sets to the Integrated Family of Test Equipment, the current automatic test equipment standard used by the Army. Award was based upon a "best value" evaluation scheme, which encompassed four evaluation factors--technical, past performance, cost, and management--listed in descending order of importance.

The source selection statement for this procurement, issued on November 2, 1994, reflects that Vista, Summa Technology, Inc., and Brown International, Inc. submitted the three highest-rated proposals under the RFP best value evaluation scheme, considering both cost and technical factors. Specifically, the Source Selection Authority (SSA) stated that:

"the determination for best value to the [g]overnment would be between either Summa Technology, who had the highest weighted score for factors other than cost, Brown International, who had the second highest weighted score, or Vista Technology, who had the lowest most probable cost."

The SSA ultimately determined that Vista's low-cost proposal represented the best value to the government under the RFP evaluation scheme and selected that firm for award.

As noted in the agency report, MTA submitted the fourth highest-rated proposal, considering both cost and technical factors. For example, MTA's overall technical rating was lower than, and its evaluated probable cost was higher than, the proposal submitted by Brown, which preceded MTA's proposal in eligibility for award.

On December 2, MTA protested the award to Vista on numerous grounds. MTA alleged that the Army performed an improper cost realism analysis of Vista's and MTA's proposals; misevaluated aspects of Vista's and MTA's proposals under the technical, past performance, and management factors; and unreasonably concluded that Vista's proposal represented the best value to the government. The Army fully responded to each of MTA's allegations in its protest report. The agency report also disclosed to MTA its overall relative standing and the competing offerors' identities, and asserted that MTA, given its relative standing, was not an interested party to protest the award.

MTA filed its comments in response to the agency report on January 26, 1995. MTA advised our Office that, upon considering the agency report, it had elected to:

"withdraw the following aspects of our protest . . . cost realism, cost risk, and best value; evaluators' personal interpretation of selected evaluation criteria, questionable ratings associated with the [g]overnment's evaluation of Vista's proposal, and matters in rebuttal to the [g]overnment's evaluation of MTA's proposal. The issue which remains under protest is the lack of corporate test program set . . . development experience on the part of the offeror, Vista Technology, and the manner in which Vista's past performance was evaluated."

We dismiss this protest on the basis that the protester 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 of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 57 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.

In this case, MTA would not be in line for award even if we sustained its protest that the Army misevaluated Vista's proposal in the respect protested. Based on the evaluation results, MTA is fourth in line for award behind Vista, Summa, and Brown, yet MTA's sole remaining protest issue

concerns Vista's eligibility for award. Thus, even if we sustained its protest that Vista's proposal was improperly evaluated, MTA would not be in line for award. Accordingly, MTA is not an interested party to protest the award to Vista. See American Indian Business & Technologies, Corp., B-238470, May 25, 1990, 90-1 CPD ¶ 502.

The protest is dismissed.

James A. Spangenberg
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