



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Medical Service Corporation International

File: B-252801

Date: April 19, 1993

Judd L. Kessler, Esq., Porter, Wright, Morris & Arthur, for the protester.
Nina Nathani, Esq., Agency for International Development, for the agency.
Glenn G. Wolcott, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester's speculative allegation of improper contact between unidentified technical evaluator and proposed awardee is insufficient to form basis for protest.

DECISION

Medical Service Corporation International (MSCI) protests the selection of John Snow, Inc. for award of a contract by the Agency for International Development (AID) under request for proposals No. 92-007, for technical assistance to the Malian Government regarding health care services. MSCI asserts that there was improper contact between an unidentified technical evaluator and a representative of John Snow, Inc.

We dismiss the protest.

The solicitation was issued on June 1, 1992, and was sent to more than 90 potential offerors; initial proposals were subsequently submitted and evaluated, and best and final offers were submitted by February 10, 1993. On March 15, MSCI was notified that John Snow, Inc. had been selected for award.

On March 24, MSCI filed a protest with our Office. MSCI's protest is based on its assertion that, while the proposals were being evaluated, one of the individuals evaluating proposals for the agency "was seen in the company of a representative of the proposed awardee," and that this evaluator subsequently changed his evaluation, "to the

detriment of MSCI." MSCI's protest did not provide the identity of the evaluator allegedly involved, but requested that an investigation of these circumstances be conducted by the agency and our Office.

By letter dated April 7, the agency requested that the protest be dismissed, arguing that MSCI had not provided sufficient information regarding the alleged basis for protest. The agency noted that MSCI had not identified the evaluator that had allegedly engaged in improper contact with the awardee, nor provided any specifics regarding when or where the alleged contact occurred, or when MSCI learned of the alleged contact. By letter to MSCI's counsel dated April 8, the agency asked MSCI to submit additional information "including specific names, dates, places and occurrences" relating to the alleged activity.

On April 8, our Office requested counsel for MSCI to respond to the agency's request for dismissal by April 12. In its response of that date, MSCI reasserted that an unnamed member of the evaluation committee "engaged in improper communications with a representative of one of the offerors during the evaluation process." MSCI again provided no information regarding the identity of the individual that allegedly engaged in the improper behavior and, further, provided no information as to when or where the alleged incident occurred or when MSCI learned of the alleged activity.

On April 13, our Office again contacted MSCI's counsel to request that specific information, including the identity of the evaluator, be provided. MSCI failed to provide the information as requested.

Our Bid Protest Regulations provide that protests must "set forth a detailed statement of the . . . factual grounds of protest," and that failure to provide such information is a basis for dismissing the protest. 4 C.F.R. § 21.1 (1993). In this regard, a protester's unsupported allegations which amount to mere speculation are insufficient to form a basis for protest. See, e.g., Drvtch, Inc., B-246276.2, Apr. 28, 1992, 92-1 CPD ¶ 398; Delta Ventures, B-238655, June 25, 1990, 90-1 CPD ¶ 588. Further, in performing our bid protest function, our Office does not initiate investigations based on a protester's speculative allegations. See, e.g., Controls Eng'g Maintenance Corp., B-247833.2, Sept. 25, 1992, 92-2 CPD ¶ 204; William B. Hackett & Assocs., Inc., B-232799, Jan. 18, 1989, 89-1 CPD ¶ 46.

Where, as here, a protester alleges that a particular evaluator engaged in improper activity, it is incumbent on the protester to, at a minimum, identify the evaluator

allegedly involved. We believe this information is necessary for the agency to provide a meaningful response to the protest allegations and for this Office to review the allegations and the agency's response. Here, MSCI has neither identified the evaluator allegedly involved in the improper activity, nor has it provided any other specifics; absent specific information--including the identity of the evaluator, the identity of the awardee's representative the evaluator allegedly met with, or when and where the alleged contact took place--MSCI's protest amounts to mere speculation which is insufficient to support its protest.

The protest is dismissed.



Robert M. Strong
Associate General Counsel