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Decision

Matter of: ITT Electronic Systems, Radar Systems--Gilfillan

File: B-299150; B-299150.2; B-299150.3; B-299150.4; B-299150.5

Date: February 2, 2007

Philip J. Davis, Esq., Rand L. Allen, Esq., Nicole P. Wishart, Esq., Jon W. Burd, Esq., and John R. Prairie, Esq., Wiley Rein LLP, for the protester.

Mark D. Colley, Esq., Cameron W. Fogle, Esq., and Stuart W. Turner, Esq., Holland & Knight LLP, for Raytheon Co., an intervenor.

Jeffrey I. Kessler, Esq., and Wade L. Brown, Esq., U.S. Army Materiel Command, for the agency.

Edward Goldstein, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging award of a sole-source contract based on alleged changes to the agency's requirements, which served as the basis for the sole-source determination, is premature where the agency has not finalized any changes to its requirements and there have been no modifications to the sole-source contract reflecting any of the changed requirements alleged by the protester.

DECISION

ITT Electronic Systems, Radar Systems--Gilfillan (ITT) protests the decision of the U.S. Army Aviation and Missile Command (AMCOM), Department of the Army, to award a sole-source contract to Raytheon Company under request for proposals (RFP) No. W31P4Q-05-R-0338, for Air Traffic Navigation, Integration and Coordination System (ATNAVICS) and Fixed-Base Precision Approach Radar (FBPAR) hardware, spares, and first article testing, as well as FBPAR installation, site survey, site design, system refurbishment and engineering services for fiscal years 2006 through 2010.

We dismiss the protest.

On August 3, 2005, the Army posted a pre-solicitation notice on the FedBizOpps website announcing its intention to award a sole-source ATNAVICS production contract to Raytheon and informed other potential sources of their right to submit offers for consideration by the Army. Proposals were due October 3, 2005. No

source other than Raytheon requested or received a copy of the RFP or submitted a proposal. The contemplated sole-source contract for Raytheon was a follow-on contract to a competitively awarded ATNAVICS contract, awarded to Raytheon in 1995.

The ATNAVICS system, as described in the sole-source RFP, is essentially a mobile air traffic navigation system, which is configured on two High Mobility Multipurpose Wheeled Vehicles (HMMWV) (referred to by the parties as HUMVEEs) and can be transported on a single C-130 or larger aircraft. Specifically, the ATNAVICS “sensor subsystem,”¹ which includes all essential radar components, is mounted on an “expanded capacity variant (ECV)” HUMVEE and the ATNAVICS “operations shelter,” a structure from which personnel operate the ATNAVICS system, is carried and deployed by the “heavy variant (HV)” HUMVEE. Each HUMVEE also pulls a trailer that carries a power generator.

In its protest, ITT does not challenge the Army’s conclusion that Raytheon was the only firm capable of meeting the ATNAVICS requirements, as those requirements were identified in the sole-source RFP. Moreover, ITT concedes that its own mobile air traffic control sensor subsystem cannot be mounted on a single HUMVEE, and that its system cannot be transported on a single C-130 aircraft. Protest 1 at 6. Rather, ITT’s protest allegations flow from its assertion that the deployment requirements for the ATNAVICS system have materially changed from those stated in the RFP, thereby undermining the basis for the Army’s sole-source award determination. In this regard, ITT contends that the Army’s initiative to “up-armor” its HUMVEEs imposes severe weight restrictions on the HUMVEEs utilized to move the ATNAVICS, which have effectively eliminated the above-noted single HUMVEE and single C-130 requirements. With these requirements eliminated, ITT asserts that it is capable of meeting the Army’s mobile air traffic control system requirements, thereby fundamentally altering the competitive landscape for the Army’s required system and rendering the Army’s sole-source decision unreasonable.

The Army maintains that ITT’s challenge is premature. We agree. In arguing that the mobile air traffic control system requirements have changed, ITT points to numerous documents reflecting the Army’s existing policy, as mandated by the Department of Defense, to swiftly outfit its tactical wheeled vehicles, such as the HUMVEE, with sufficient armor to protect the crews participating in Operation Iraqi Freedom and Operation Enduring Freedom, as well as for the future. These records clearly reflect the challenges presented by the up-arming initiative for many systems utilized in conjunction with tactical wheeled vehicles, including the ATNAVICS system. These problems in many instances stem from the increased weight associated with adding armor to the vehicles, which move these systems. Regarding the ATNAVICS system,

¹ The sensor subsystem components include: the Precision Approach Radar, the Airport Surveillance Radar, and the Secondary Surveillance Radar.

the Army has conceded that in its existing configuration it is overweight on a fully armored HUMVEE. Contracting Officer's (CO) Statement, Dec. 28, 2006, at 13. The Army, however, represents that it has not finalized a course of action to resolve the up-armor issue in the context of the ATNAVICS system and therefore has yet to proceed with any changes to the ATNAVICS system to meet the contemplated up-armor requirements. Id. Moreover, there have been no modifications to Raytheon's contract to implement any changed requirements and the agency indicates that ATNAVICS could ultimately be exempted from the up-armor initiative altogether. Agency Report, Tab V1, Department of the Army Memorandum, Subject: Courses of Action for Fielding Systems on Up-Armored Tactical Wheeled Vehicles, Jan. 12, 2006, at 5. Until the agency has finalized its course of action with respect to integrating the ATNAVICS system in the context of its up-armor initiative, ITT's protest of likely changes resulting from such integration, changes which it views as allowing it to compete for this requirement, are premature and speculative in nature and therefore not for review by our Office at this time. Lockheed Martin Aeronautics Co., B-298626, Nov. 21, 2006, 2006 CPD ¶ 177 at ____.

The protest is dismissed.

Gary L. Kepplinger
General Counsel