



**G A O**

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**Comptroller General  
of the United States**

**United States Government Accountability Office  
Washington, DC 20548**

# Decision

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

**File:** B-299422; B-299422.2

**Date:** May 1, 2007

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Bruce H. Kleinstein for the protester.  
Doris Gibson, Department of Health and Human Services, and Michael D. Tully, Esq.,  
General Services Administration, for the agencies.  
Katherine I. Riback, Esq., and James A. Spangenberg, Esq., Office of the General  
Counsel, GAO, participated in the preparation of the decision.

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## **DIGEST**

Agency reasonably determined that services involving environmental consulting in maintaining and enhancing the Chemical Carcinogenesis Research Information System database were included in, and could be obtained from vendors holding contracts under, a Federal Supply Schedule Special Item Number for environmental planning services and documentation.

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## **DECISION**

Information Ventures, Inc. protests the acquisition by Department of Health and Human Services (HHS), National Institutes of Health, National Library of Medicine (NLM), of the maintenance and enhancement of the Chemical Carcinogenesis Research Information System (CCRIS) database from the General Services Administration's (GSA) Federal Supply Schedule (FSS). Information Ventures argues that the determination to purchase from the FSS was improper because the required services and subject matter do not fall within the scope of the selected FSS Special Item Number (SIN) 899-1--Environmental Planning Services and Documentation.

We deny the protests.

The CCRIS is an online, scientifically evaluated and fully referenced, environmental database originally created by the National Cancer Institute. In 1985, CCRIS was mounted on the NLM Toxicology Data Network (TOXNET) system, and the database was maintained using TOXNET data input software. The database contains data and the results of research studies for over 9,000 environmental chemical compounds

that fall within the selected areas of carcinogenicity, mutagenicity, tumor promotion, and tumor inhibition. Specific indexing and full bibliographic references are included in the database.

The CCRIS had previously been maintained under a contract that expired in June 2006, at which time all CCRIS work stopped. HHS then explored the possibility of obtaining these services under the FSS and asked GSA to identify the applicable FSS schedule. GSA advised HHS that these services fell under SIN 899-1, Environmental Planning Services and Documentation. GSA then solicited these services from FSS vendors under this SIN.

Information Ventures, which is not an FSS vendor, protests the agency's actions, and argues that the determination to purchase from the FSS was improper because the required services and subject matter do not fall within SIN 899-1, Environmental Planning Services and Documentation.

As a general rule, contracting agencies are required to obtain full and open competition in the procurement of supplies and services. 41 U.S.C. § 253(a)(1)(A) (2000); Federal Acquisition Regulation (FAR) § 6.101. The FSS program, directed and managed by GSA, provides agencies with a simplified process for obtaining commonly used commercial supplies and services. FAR § 8.401(a). The procedures established for the FSS program satisfy the requirement for full and open competition. 41 U.S.C. § 259(b)(3); FAR § 6.102(d)(3); OMNIPLEX World Servs. Corp., B-291105, Nov. 6, 2002, 2002 CPD ¶ 199 at 4. Non-FSS products and services, however, may not be purchased using FSS procedures; instead, their purchase requires compliance with the applicable procurement laws and regulations, including those requiring the use of competitive procedures. See FAR § 8.401(d); OMNIPLEX World Servs. Corp., *supra*.

As indicated, both HHS and GSA found the required services fall within SIN 899-1. This SIN states in pertinent part:

Services include, but are not limited to: Environmental Consulting that includes the development, planning, facilitation, coordination and documentation of and/or for initiatives in areas of chemical, biological, radiological, and/or hazardous material services.

GSA Schedules E-Library, Schedule 899, Environmental Services.

Here, the solicitation's statement of work requires that the successful vendor survey various sources, such as applicable literature, monographs and databases, and the NCI/National Immunization Program Bioassay Reports, evaluate the pertinent data in accordance with established evaluation criteria and, upon approval and direction of the HHS project officer, enter suitable studies on chemicals into the CCRIS database. Statement of Work at 1. These tasks require a vendor with the necessary qualifications, experience and qualified personnel to review and evaluate published

scientific information; code the relevant information into a specific format; and provide highly qualified senior scientists with experience in the “carcinogenic and environmental area,” to review the data before it is released to the public. Solicitation at 12; Contracting Officer’s Statement at 5. Thus, the services required here involve providing advice and guidance to the agency in support of the agency’s environmental documentation of initiatives of a chemical nature. In this regard, as noted by HHS, the CCRIS effort involves research of relevant carcinogenic chemicals in the environment for any effects on human health. Contracting Officer’s Statement at 6. The protester has offered no response as to why these services are not covered by this SIN. We, therefore, conclude that HHS and GSA reasonably determined that the requirement here is covered by SIN 899-1--Environmental Planning Services and Documentation, and that the agency’s purchasing the services under the FSS was unobjectionable. See Information Ventures, Inc., B-291952, May 14, 2003, 2003 CPD ¶ 101 at 3.

The protester also protests that the agency’s issuance of the solicitation under the FSS resulted from bias on the part of an agency official in favor of Technical Resources, Inc., an FSS vendor, and that this action adversely affected the protester, who is not an FSS vendor. As noted above, the use of the FSS was proper here and Information Ventures does not hold an applicable FSS contract. Based on this record, there is no evidence of bias.

The protests are denied.

Gary L. Kepplinger  
General Counsel