



United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: Hill Aerospace & Defense, LLC

File: B-285917

Date: October 23, 2000

John J. Fausti, Esq., for the protester.

Maj. Cynthia M. Mabry, U.S. Army Materiel Command; and Brian E. Toland, Esq., U.S. Army Aviation and Missile Command, for the agencies.

Scott H. Riback, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably rejected protester's proposal to furnish unused government surplus parts where items being acquired were critical flight safety parts and protester failed to provide information (serial numbers) necessary to verify the quality of the items being offered.

DECISION

Hill Aerospace & Defense, LLC protests the award of a contract to SIFCO Custom Machine, Inc. under request for proposals (RFP) No. DAAH23-00-R-0502, issued by the Department of the Army for quantities of seven flight critical spare parts for the T-53 engines used in the UH-1 Helicopter fleet. Hill maintains that the agency improperly made award to SIFCO for one of the parts being solicited, since Hill's price was low.¹

We deny the protest.

¹ Hill originally filed two protests in connection with the agency's acquisition under this solicitation, one against the award of a contract to SIFCO for three of the seven parts being purchased, and another protesting the award of a contract to Dynatech International Corporation for two other parts. After receiving the agency's report in response to the protests, Hill withdrew its protests with respect to all of the parts except one, part No. 1-100-063-05, awarded to SIFCO.

Because the parts being acquired are critical flight safety parts, the acquisition was limited to approved sources. The RFP did provide, however, that the agency would consider offers of former government surplus property, provided the offeror supplied detailed information relating to the manufacturer of the parts, and to how the offeror obtained the parts. RFP at 70-73. Award was to be made to the firm submitting the proposal deemed to offer the government the best overall value considering price (the most important factor) and past performance. RFP at 78.

Hill advised in its proposal that, for several of the parts, including the one in issue, it could provide government surplus parts in new and unused condition. Hill offered the lowest overall price for the part in question. Source Selection Decision Document at 4. However, Hill provided none of the information required under the terms of the RFP to demonstrate the source and condition of the surplus parts it was offering, stating instead that it was willing to supply manufacturer and contract information if requested. Hill Proposal Cover Letter 2 (May 4, 2000). Thereafter, the agency and Hill engaged in a series of correspondence, with the agency requesting various information and documentation, and Hill supplying some--but not all--of the requested information.

Among the information the agency asked Hill to provide were the serial numbers of the surplus parts it proposed to furnish. Hill provided a sample copy of a tag from one of the parts it intended to furnish, but failed to provide the serial numbers for all of the parts. Hill asserts in its protest that the requirement for this information was onerous and unreasonable. According to the protester, it already had provided more than adequate information (including the contract number under which the parts had been manufactured, the manufacturer's commercial and government entity (CAGE) code and the contract number under which Hill had purchased the parts from the government). Hill maintains that the agency could have accepted the serial number information after award.

It clearly was proper for the agency to decline to consider Hill's offered surplus parts based on Hill's failure to provide the required information. The agency explains that the serial numbers (as opposed to the contract numbers under which the parts were originally manufactured) are vital information because they enable the agency's quality assurance activity to determine whether the specific surplus parts being offered were subject to any quality deficiency reports. The agency states that it maintains a quality tracking system for critical flight safety parts that are serialized, and that this system can be used to determine whether the specific parts (or manufacturing lots) in question have been the subject of a quality deficiency report; in essence, the agency uses this information to determine whether the parts are acceptable prior to entering into a contract with a firm offering previously owned government surplus property. Contracting Officer's Supplemental Statement at 1. Given the critical flight safety nature of these parts, we think the agency could reasonably require the serial numbers to satisfy itself that the actual parts being

offered were free from quality deficiencies prior to awarding a contract to Hill, rather than waiting until after award as Hill suggests.²

The protest is denied.

Anthony H. Gamboa
Acting General Counsel

² In any case, Hill's objection to the requirement for serial numbers appears untimely. The solicitation specifically required firms proposing to furnish government surplus parts to indicate whether or not the proposed parts included serial numbers and, if so, to provide the information. RFP at 72. Since the requirement that serial numbers be provided was included in the RFP, Hill was required under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (2000), to raise its objection prior to the deadline set for submitting offers. *Id.* Since Hill did not contest this aspect of the solicitation prior to submitting its proposal, its protest in this regard is untimely.