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**Comptroller General
of the United States**

**United States General Accounting Office
Washington, DC 20548**

Decision

Matter of: Baldt Inc.

File: B-288315

Date: August 28, 2001

Glenn S. Suplee for the protester.

Amalia Evola, Esq., Defense Logistics Agency, for the agency.

Jacqueline Maeder, Esq., David A. Ashen, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Protest that awardee did not possess valid Commercial and Government Entity code at time of award is denied where documentation furnished by agency shows that it verified awardee's code prior to award.
2. Protest that provision imposing domestic restriction on manufacture of anchor and mooring chain improperly was omitted from solicitation and subsequent contract is dismissed as untimely where protester failed to raise the issue before time set for receipt of initial proposals.

DECISION

Baldt Inc. protests the Defense Logistics Agency's (DLA) award of a contract to Lister Chain & Forge, under request for proposals (RFP) No. SP0490-01-R-0805, for flash-butt welded, stud-link (1.625 inch) chain. Baldt contends that the awardee did not possess an active Commercial and Government Entity (CAGE) code, and that the agency improperly modified the contract to include a domestic manufacture restriction that was omitted from the RFP.

We deny the protest.

CAGE CODE

The RFP required that each offeror be registered in the Central Contractor Registration (CCR) database prior to award. RFP § I16; Defense Federal Acquisition Regulation Supplement (DFARS) § 252.204-7004. An offeror is registered in the CCR database when "all mandatory information, including the . . . [CAGE] code, is in the

CCR database; [and] . . . the CAGE code ha[s] been validated” DFARS § 252.204-7004(a)(4); Agency Report (AR), July 27, 2001, CCR Handbook at 2. In addition, the RFP “requested” offerors to furnish their CAGE codes. RFP § L2; DFARS § 252.204-7001.¹

Baldt contends that Lister did not possess an active CAGE code on the day that the contract was awarded, and therefore should not have been awarded the contract. In support of its argument, Baldt cites a printed copy of a computer search, researched on the Defense Logistics Information Service (DLIS) CAGE Code Lookup WebServer. Protest, exh. 3. The printout, dated April 9, 2001, shows Lister Chain and Forge, Inc., with no street address, and an OFXJ9 CAGE code. The printout shows the status of the CAGE code as “F-Obsolete,” and that the code was last updated on March 19, 2001. Baldt concludes that, since Lister’s CAGE code was obsolete as of the last update, shortly before the March 23 award, Lister was ineligible for award.

The agency responds that the contract specialist verified Lister’s CAGE code and its CCR registration using DLA’s Pre-Award Contracting System/Standard Automated Material Management System (DPACS/SAMMS) on March 5, and that Lister was properly registered in the CCR database and had a valid CAGE code at that time. The agency explains that the contract specialist used the database’s “Choose Awardee” screen, which includes a block showing the offeror’s CAGE code and a block entitled “CCR” which will be checked if the offeror being researched is registered in the CCR database. (Again, CCR registration occurs when all mandatory information, including the CAGE code, is in the CCR database and has been validated.) If the offeror is not registered in the CCR database, the CCR block will be blank, and the agency will be unable to prepare an award document. AR at 2 and Contract Specialist’s Statement. The agency has submitted a copy of its March 5 search printout, which shows Lister’s CAGE code and a checkmark in Lister’s CCR block. The contract specialist concluded from this information that Lister was currently registered in the CCR and had a valid CAGE code. AR at 2 and Contract Specialist’s Statement.

As for Baldt’s printout, DLA notes that the DLIS site that Baldt accessed includes a cautionary statement that the data provided “is intended to be an informative reference only and **should not** be used to support a final decision in regards to a procurement action.” AR, CAGE Code Information. In any case, reports DLA, Baldt is misreading the DLIS printout. The agency, citing the manual for the Federal Logistics Information System (FLIS), for which DLIS is responsible, explains that the status code “F-Obsolete” refers only to the fact that the location of the company is

¹ The CCR database is the primary Department of Defense (DOD) repository for contractor information required for the conduct of business with DOD. DFARS § 252.204-7004(a)(1).

unknown, and resulted from the fact that the printout does not include a street address for Lister. AR at 3; FLIS Procedures Manual, DOD 4100.39-M, v. 1 at § 1.1.4 and v. 10 at Table 19. In this regard, a table from the manual, entitled “Commercial and Government Entity Status Codes,” lists status codes and their definitions. For the F code noted on Baldt’s printout, the definition reads, in relevant part: “Obsolete. Location of company unknown.” AR at 2-3; FLIS Procedures Manual, v. 10 at Table 19. The agency also has provided its own DLIS printout, dated July 24, which shows Lister’s street address; the printout states that Lister’s CAGE code was last updated April 11, 2001 and gives its status as “A-Active.” AR, DLIS CAGE Code Lookup WebServer at 1.

In its response, Baldt reiterates that Lister’s OFXJ9 CAGE code was not active on March 23 “insofar as the DLIS Website is concerned,” Baldt Comments, Aug. 2, 2001, at 1, but it does not otherwise refute the agency’s explanation. Specifically, Baldt has not shown that it was unreasonable for the agency to rely on the results of its DPACS/SAMMS search—the printout of which included a checkmark in the CCR block and a CAGE code—and conclude therefrom that Lister was registered in the CCR database and had a valid CAGE code. Nor has Baldt rebutted the agency’s explanation of the F-Obsolete status code as referring simply to the fact that the location of the company was not listed. In these circumstances, we conclude that the agency reasonably determined that Lister met the CAGE code requirement.

IMPROPER MODIFICATION

After award, the agency determined that the solicitation improperly failed to include the clause at DFARS § 252.225-7019, Restriction on Acquisition of Foreign Anchor and Mooring Chain, which imposes a domestic restriction on the manufacture of the chain.² Agency Request for Dismissal, July 12, 2001, at 2. On June 7, Lister submitted a letter stating that “we comply with all restrictions set forth in DFARS § 252.225-7019.” Letter from Lister to Agency, June 7, 2001. On June 20, the agency and Lister entered into a post-award bilateral modification incorporating the terms of the clause into the contract. Agency Request for Dismissal, July 12, 2001, at 2.

Baldt contends that modifying the contract instead of recompeting the requirement after adding the clause to the RFP was improper because, among other things, it violated the automatic stay provisions of the Federal Acquisition Regulation, transformed the contract into a sole-source procurement and subverted the competitive process.³ Protest at 2.

² DFARS § 252.225-7019 requires that anchor and mooring chain be manufactured in the United States from components which are substantially manufactured in the United States.

³ In an August 2 submission, Baldt argues for the first time that the modification is improper because it was a material change, gave Lister “two bites at the apple,” and
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Baldt essentially is arguing that, in lieu of the modification, the solicitation should have been amended, and the requirement recompeted. This argument is untimely. Under our Regulations, a protest based on an alleged solicitation impropriety must be filed prior to the time set for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1). As the agency points out, the domestic restriction clause was required to be included in the RFP. DFARS § 225.7012-3; see DOD Appropriations Act of 2001, Pub. Law No. 106-259, § 8016, 114 Stat. 678 (Aug. 9, 2000). The omission of the clause therefore constituted an apparent solicitation deficiency, and in order for Baldt to argue that the RFP should be amended to add the provision, it was required to do so prior to the closing time for receipt of proposals. Because Baldt did not do so, it cannot now argue that the agency should have recompeted the requirement with the omitted clause. Neither is Baldt's argument for our consideration merely because it is cast in terms of the propriety of the modification. The contract modification itself concerns a matter of contract administration, which we will not review. 4 C.F.R. § 21.5(a).

The protest is denied.

Anthony H. Gamboa
General Counsel

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was prejudicial to the protester. Baldt Comments, Aug. 2, 2001, at 1-2. These assertions are untimely. Under our Bid Protest Regulations, protests based on other than solicitation improprieties must be filed no later than 10 days after the protester knew or should have known their bases. 4 C.F.R. § 21.2(a)(2) (2001). Our Regulations do not contemplate the piecemeal presentation or development of protest issues; where a protester raises a broad ground of protest in its initial submission, but fails to provide details within its knowledge until later, so that a further response from the agency would be needed for an objective review of the matter, these later issues will not be considered. Litton Sys., Inc., Data Sys. Div., B-262099, Oct. 11, 1995, 95-2 CPD ¶ 215 at 2-3. Baldt also argues for the first time that Lister is not a legally registered corporation in any state, and therefore cannot be properly registered in the CCR. Baldt Comments, Aug. 2, 2001, at 2. This argument is untimely for the same reason. 4 C.F.R. § 21.2(a)(2).