



Comptroller General
of the United States

Washington, D.C. 20548

B-231941

October 17, 1988

The Honorable Richard E. Lyng
The Secretary of Agriculture

Dear Mr. Secretary:

Enclosed is a copy of our decision of today sustaining the protest of Arboreal, Inc., against an award to C.W. Contracting, Inc., by the Forest Service, Deschute National Forest, Bend, Oregon. We sustain the protest because C.W. Contracting failed to acknowledge a material amendment which rendered its bid nonresponsive.

We recommend that C.W. Contracting's contract be terminated for the convenience of the government and award be made to Arboreal. Further, Arboreal is entitled to the costs of filing and pursuing its protest.

Since the enclosed decision contains a recommendation for corrective action, we direct your attention to 31 U.S.C. § 3554(e)(1) (Supp. IV 1986) and Federal Acquisition Regulation § 33.104(f), which require that the head of the procuring activity responsible for the solicitation report to our Office if the agency has not fully implemented our recommendation within 60 days of receipt of our decision. Please advise us in any case of the action taken on the recommendation.

Sincerely yours,

A handwritten signature in cursive script, reading "Milton J. Fowler", is written over the typed name.

Comptroller General
of the United States

Enclosure