



United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Latvian Connection General Trading and Construction, LLC

**File:** B-409442

**Date:** April 25, 2014

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Keven L. Barnes, Latvian Connection General Trading and Construction, LLC, for the protester.

Capt. Evan Williams, Department of the Army, for the agency.

Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

1. Protest that agency improperly failed to publish notice of solicitation on Federal Business Opportunity website is denied where solicitation was for a contract action by a defense agency to be performed outside the United States and only local vendors were being solicited, as anticipated by Federal Acquisition Regulation § 5.202(a)(12).

2. Procuring agency conducting procurement using simplified acquisition procedures is not required to obtain full and open competition, but instead, must obtain competition to the maximum extent practicable.

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### DECISION

Latvian Connection General Trading and Construction, LLC, of Kuwait City, Kuwait, protests the Department of the Army's issuance of request for quotations (RFQ) No. W912D2-14-T-0016, for 15-passenger vans, model year 2008 or later.

We deny the protest.

The RFQ, for the lease of four 15-passenger vans to move troops and equipment in the United Arab Emirates, was issued using the simplified acquisition procedures of Federal Acquisition Regulation (FAR) Part 13. The RFQ was provided to three local vendors on January 23, 2014. Under the RFQ as amended, quotations were due on January 26. On January 24, the Army provided the protester a copy of the RFQ in response to Latvian's expression of interest earlier that day. Also on January 24, the protester filed its protest with our Office. A total of four vendors, including

Latvian, responded by the January 26 due date; the protester submitted its quotation on January 26.

Latvian asserts that the agency acted improperly when it did not publicize notice of the procurement on the Federal Business Opportunity (FedBizOpps) website. We disagree. One of the specified exceptions to the general requirement to publicize procurements in FAR subpart 5.2 is for a contract action by a defense agency “to be made and performed outside the United States and its outlying areas, and only local sources will be solicited.” FAR § 5.202(a)(12); see Military Agency Services Pty., Ltd., B-290414 et al., Aug. 1, 2002, 2002 CPD ¶ 130 at 6. Given that the procurement meets the requirements of the regulatory exemption from publication, we have no basis to conclude that the agency acted improperly.

Latvian next asserts that the agency failed to conduct the procurement using full and open competition as required by the Competition in Contracting Act of 1984. However, since the agency was using simplified acquisition procedures, it was not required to use full and open competition to conduct the procurement. See 10 U.S.C. § 2304(g)(1) (2012). Instead, the agency was required to promote competition to the maximum extent practicable. 10 U.S.C. § 2304(g)(3); FAR § 13.104. Further, since the agency was using simplified acquisition procedures, and pursuant to FAR § 5.202(a)(12) was not required to publish notice on the FedBizOpps website, soliciting three sources meets the FAR’s requirements for conducting a simplified acquisition. FAR § 13.104(b).

Finally, Latvian protests that the agency did not provide sufficient time to respond to the solicitation. As noted above, the solicitation was issued on January 23, and called for vendors to submit their quotations by January 26. FAR § 13.003(h)(2) requires that for acquisitions conducted under simplified acquisition procedures the agency establish submission deadlines that afford vendors a reasonable opportunity to respond. Here, the record indicates that the agency issued a solicitation that was not complex to meet a requirement for commercial items that were, in the contracting officer’s experience, commonly available. Contracting Officer’s Statement at 2. Given these circumstances, and the fact that four vendors, including the protester, were able to respond by the due date, we have no basis to

find that the agency did not allow a reasonable amount of time for vendors to respond. See Military Agency Services Pty., Ltd., supra, at 7.<sup>1</sup>

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>1</sup> Latvian also complains that the solicitation permitted vendors to submit quotations for vehicles that are 4 to 5 years old, and does not either exclude the Toyota HIACE van or require it to have a speed limiter. GAO does not consider protests that a solicitation should provide more restrictive specifications. See e.g., USA Jet Airlines, Inc.; Active Aero Group, Inc., B-404666, Apr. 1, 2011, 2011 CPD ¶ 91 at 5. In addition, Latvian's disagreement with the agency's assessment of its needs does not establish that the agency violated any procurement law or regulation.