

DOCUMENT RESUME

02906 - [A2013093]

[Determination of Contractor Responsibility]. B-189356. July 14, 1977. 2 pp.

Decision re: Campbell Industries; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Navy; Triple "A" South.

Authority: B-188194 (1977).

The protester contended that the awardee of a contract for regular overhauling and drydocking of a Navy vessel did not have a facility capable of berthing and providing the required services. The protest was dismissed since procuring activity determinations of affirmative responsibility are no longer reviewed by GAO, except in limited circumstances not present here. (Author/SC)

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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: E-189356

DATE: July 14, 1977

MATTER OF: Campbell Industries

**DIGEST:**

Contention that low bidder does not have facility capable of berthing and providing services during portion of contract period will not be considered, since procuring activity determinations of affirmative responsibility are no longer reviewed by GAO, except in limited circumstances not present here.

Campbell Industries (Campbell) protests the award of a contract to Triple "A" South, the low bidder under invitation for bids (IFB) No. N62791-77-B-0098 issued by the United States Navy for the regular overhaul and drydocking of the U.S.S. Florikan.

Amendment No. 3 to the IFB provided that the required work was to be performed at the contractor's facility or the Naval Station Graving Dock. The contract period begins July 15, 1977, and ends November 1, 1977. However, the Naval Station Graving Dock will not be available for the U.S.S. Florikan after September 8, 1977, thus requiring the contractor to provide the necessary facility from September 9, 1977, to November 1, 1977.

Campbell contends that Triple "A" South does not have a facility capable of berthing and providing services for the period September 9, 1977, to November 1, 1977.

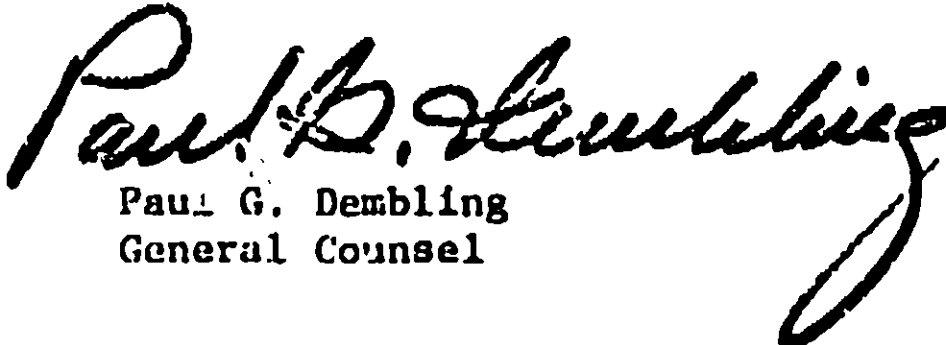
At the bid opening on June 2, 1977, Campbell orally informed the Navy of its objection to award to Triple "A" South, but the Navy advised that unless a written protest was received on or before June 6, 1977, award would be made to permit the contractor to order required material. Campbell contends that a reasonable time to submit a written protest was denied by the Navy.

While we presume that Campbell's reservations concerning Triple "A" South's ability to perform were considered by the Navy, our Office has discontinued the practice of reviewing protests against affirmative determinations of responsibility, except in limited

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situations not applicable here. Sis-Q Flying Service, Inc., B-188194, April 7, 1977, 77-1 CPD 245. Accordingly, Campbell's contention will not be considered.

In view of the above, there is no need to consider Campbell's contention concerning the Navy denial of a reasonable time to submit a written protest.

  
Paul G. Dembling  
General Counsel