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**Comptroller General
of the United States**

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

Decision

Matter of: Automated Cleaning Technologies, Inc.

File: B-293599

Date: April 16, 2004

Dave Poirier for the protester.

Capt. Preston Young, Department of the Air Force, for the agency.

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

DIGEST

Protest that issuance of purchase order was improper because awardee's engine bearing cleaning system failed to meet solicitation requirement for drying capability is denied where record shows that awardee's system in fact included drying capability.

DECISION

Automated Cleaning Technologies, Inc. (ACT) protests the issuance of a purchase order to Reid Asset Management Company d/b/a Magnus Equipment (Magnus) under solicitation No. FE309932759100, issued by the Department of the Air Force, Air Education and Training Command, Laughlin Air Force Base, Texas, for a high-speed engine bearing cleaning system. ACT primarily argues that Magnus's system did not meet all solicitation requirements.

We deny the protest.

The Air Force issued the combined synopsis/solicitation as a small business set-aside on November 4, 2003. Vendors were to offer a commercial item for a self-contained cleaning system that would remove burnt carbon, grease and oils from high-speed engine bearings. The solicitation required that the system have "a precision wash, rinse and drying capability and be able to demagnetize the bearings." Solicitation at 1. Award was to be made to "the responsible offeror whose technically acceptable quotation, conforming to the requirements of this combined synopsis/solicitation, offers the best value to the government." Id. at 2.

Seven quotations were received from six vendors. After technical review, the agency determined that, although ACT's quote identified the best value system, ACT could not receive the purchase order because its \$71,969 price exceeded the funds (\$71,110) available for this procurement. Agency Report (AR), Tab 8, Evaluation and Justification Letter, at 1-2; AR, Tab 13, Purchase Request, at 1. The agency went on to determine that Magnus's alternate proposal, priced at \$65,370, identified "the best value affordable" system, AR, Tab 2, Contracting Officer's Statement, at 3, and issued a purchase order to that firm.

ACT asserts that, as indicated by the purchase order, the Magnus system does not include the required drying capability, and that, if this capability was not needed, ACT should have been permitted to revise its offer to reflect the relaxed specifications; ACT claims that eliminating the drying capability from its quoted system would have lowered its price significantly below the agency's funding limit, and that it thus would have been in line for the award.

In reviewing a protest challenging an agency's evaluation, we will not reevaluate offers or quotes; rather, we will examine the record to ensure that the evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations. See Global Bus. and Legal Servs., B-290381.2, Dec. 26, 2002, 2002 CPD ¶ 222 at 3; Halter Marine, Inc., B-289303, Dec. 12, 2001, 2001 CPD ¶ 200 at 2.

The record shows that the Air Force did not waive the drying capability requirement for Magnus. The agency explains that "drying capability," as used in the solicitation, referred to removal of water from the items being washed to prevent them from rusting. Supplemental Report at 1. ACT does not dispute that "drying" refers to water removal and, in fact, in its proposal cover letter states that "engine oil" is used "to 'dewater' or 'dry' the bearings quickly." AR, Tab 11, ACT Proposal, at 2. Although the purchase order issued to Magnus does not specify drying capability, the agency found that Magnus's system meets this requirement by virtue of a rust protection stage (stage 3), identified in its quote, during which water is displaced or removed. Supplemental Report at 1; AR, Tab 12, Magnus Proposal, at 5. ACT does not refute that this rust protection stage constitutes drying, as defined by the agency. We conclude that the agency reasonably determined that Magnus's quoted system met the drying capability requirement.

ACT argues that Magnus's single rust protection stage does not comply with the agency's own accepted procedures for drying engine bearings. Specifically, the protester notes that the agency states in its supplemental report that each vendor is responsible for researching the industry standard and the manufacturer's specifications for maintenance of a particular product, and cites General Electric Standard Procedure 70-22-01, Method #2, and the Pratt and Whitney SPOP216 as manufacturer specifications for maintenance of engine bearings. Supplemental Report at 1. ACT asserts that these manufacturers' specifications require "two immersions in oils, the first being dewatering oil, the second being actual engine

oil” Supplemental Comments at 1. ACT claims that its system includes this two-step process, and that Magnus’s system is unacceptable because it does not. This argument is without merit. While the agency cites manufacturers’ standard procedures in its report, the solicitation included neither any reference to such procedures, nor any provision requiring two immersions in oil. The agency therefore reasonably concluded that Magnus’s single stage drying capability was acceptable under the terms of the solicitation.

In supplemental comments filed on March 18, ACT raises several protest issues for the first time, including, for example, an assertion that the awardee’s system does not meet the solicitation requirement that the cleaning system be “self contained,” to include dual rinse stages. Supplemental Comments at 2. Our Bid Protest Regulations require that protests based in other than apparent solicitation improprieties be filed within 10 days after the protester knew or should have known the protest basis. 4 C.F.R. § 21.2(a)(2) (2004). ACT was provided the agency report on or about February 20. While ACT received the agency’s supplemental report sometime after March 15, it did not contain any information regarding these allegations. Under these circumstances, ACT’s additional protest grounds had to be filed no later than 10 days after it received the agency report on February 20. Since these grounds were not raised until March 18, they are untimely and will not be considered.

The protest is denied.

Anthony H. Gamboa
General Counsel