

DECISION



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

Proc #

10,951

FILE: B-194412

DATE: August 7, 1979

MATTER OF: American Mutual
Protective Bureau

DLG01895

[Protest Alleging Solicitation Was Ambiguous]
DIGEST:

1. Original solicitation indicating where only 1 of 2 required vehicles would be used was not ambiguous because it was amended to indicate where other vehicle would be used.
2. Even though solicitation did not state the total number of required manhours, solicitation did not conceal the requirement for guard mount time where amendment explicitly stated that contractor was responsible for wages due employees for time spent prior to each shift in training and posting of guards.
3. Protester failed to make clear showing that requirement for daily training is unreasonable.
4. Solicitation is not ambiguous because an erroneous provision in the original solicitation was deleted and revised by amendment and a subsequent amendment revised only that portion of the earlier amendment which remained inconsistent. It was not necessary to again revise in the latest amendment the inconsistent provision in the original solicitation which had been deleted by earlier amendment.

American Protective Bureau has protested any contract award under solicitation DAKF03-79-B-0005, for *DLG00211* armed security guard service at Fort MacArthur, California.

006069

Essentially, the protester argues that the solicitation is ambiguous in certain respects and that it provides for unnecessary work. For the reasons stated below, we reject each of the protester's arguments.

The bidding schedule consisted of seven items, six guard posts, which were required to be priced individually on a monthly basis, and a seventh item for additional services on a manhour basis.

Ambiguity Regarding Use of Vehicles

The protester argues that the solicitation is defective because the specification calls for the contractor to furnish 2 motorized vehicles (specification section F-9(d)) but merely specifies the use of only one vehicle at Post Number 3 (specification section F-14(c)). Because the solicitation required bid prices to be furnished for each post and the post descriptions indicated the use of only one vehicle, the protester argues it was impossible to properly bid for furnishing two vehicles.

In our opinion, amendment 7 to the solicitation adequately clarified where the two vehicles would be used. The original solicitation provided for the use of 1 vehicle at Post Number 3 and amendment 7 further provided that "Post Number 1 personnel will utilize one (1) of the contractor furnished vehicles." We therefore see no reason why the protester was unable to properly bid the furnishing of two vehicles, one each at Posts 1 and 3.

Ambiguity Regarding Guard Mount Time

The protester argues that the requirement in the solicitation for providing "training daily for 15 minutes prior to each shift" requires the payment of time and one-half for the additional 15 minutes and effectively increases the cost of the contract by \$9,000, a substantial "bidder cost" which is not disclosed to bidders. Prior to bid opening it requested the contracting officer to amend the solicitation to provide for a total number of manhours so that the additional guard mount hours would be evident to bidders. The protester also

states that its experience as the incumbent contractor indicates that the requirement for guard mount time is unnecessary and wasteful, particularly for the entire contract period.

In our opinion, the protester's characterization of the guard mount time as a "hidden cost" is unwarranted even though the solicitation did not indicate the total number of manhours required. In this connection, amendment 7 provided the following additional guidance:

"The 15 minute training period includes training and the posting of all guards. The contractor is responsible for wages due to employees for the time spent in the 15 minute training period prior to each shift."

In the circumstances, the absence of a statement concerning the total number of required manhours did not effectively conceal the guard mount time and should not have misled bidders.

As to the need for incurring the additional expense of daily training, the agency considers the establishment of this new requirement to be very important but has reduced from 4 hours to 2 hours the requirement in the prior year contract for training class prior to employment and the requirement for monthly classroom instruction. In our opinion, the requirement is not restrictive of competition and the protester has not made a clear showing that the requirement for daily training is unreasonable. This objection, therefore, is denied. METIS Corp., 54 Comp. Gen. 612 (1975), 75-1 CPD 44.

Ambiguity Regarding Post Number 5

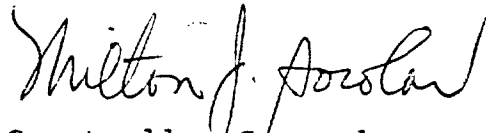
The protester argues that it was unclear whether Post 5 was to be manned for 8 hours or 24 hours. Prior to any amendment the solicitation provided in sections F-2 and F-14(e) that Post 5 was required to be manned 24 hours a day. However, this amendment revised section F-14(e) to provide for manning Post 5 on an 8-hour basis,

which was inconsistent with revised section F-2 providing for 24 hour manning. Subsequently, amendment 7 addressed this inconsistency and revised section F-2 to indicate that Post 5 was required to be manned on an 8-hour basis.

In our opinion, upon issuance of amendment 7 there was no longer any inconsistency and it was clear that Post 5 was required to be manned on an 8-hour basis.

Nevertheless, the protester argues an ambiguity existed because amendment 7 did not purport to change section F-14(e) of the original solicitation, which had called for manning Post 5 on a 24-hour basis and because Post 5 was currently being manned 24 hours a day. We find no merit to the protester's position because the requirement for 24 hour manning in section F-14(e) of the original solicitation had been deleted and revised to 8 hours by amendment 4. It was unnecessary to again revise the original solicitation in this regard. Moreover, the fact that existing contract requirements were changed for future periods should not have misled the protester.

The protest is denied.



For The Comptroller General
of the United States