

12163⁷¹

PL-II

DECISION



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

FILE: B-195724

DATE: November 29, 1979

MATTER OF: Castoleum Corporation *p. 344*

DIGEST:

[Protest of agency's refusal to test protester's product] to determine whether product satisfies Government's minimum needs under request for proposals (RFP) will not be considered further since agency has agreed to test protester's product and has canceled RFP. However, GAO expects agency to conduct laboratory testing of protester's products and to field test such products if laboratory tests indicate that alternate products might satisfy Government's minimum needs and cost of conducting such field tests does not outweigh benefit to be gained by increasing competition.

2 Castoleum Corporation (Castoleum) has protested the Defense Logistics Agency's (DLA) refusal to test its product, Trizol-RPC, to determine whether it satisfies the minimum needs of the Government under request for proposals (RFP) No. DLA400-79-R-1327. The RFP solicited offers to supply 1,404 five gallon cans of "Rustlick 606" brand corrosion preventive manufactured by Rustlick, Inc. (Rustlick). The preventive is being purchased by DLA on behalf of the Department of the Air Force (Air Force) for use in preventing corrosion in the compressor of the J-85 turbine jet engine. *378*

3

4

D. 3445

35

On August 24, 1979, Castoleum filed a protest with our Office alleging DLA had improperly refused to consider its product which according to Castoleum is "similar but more beneficial and effective than Rustlick." Castoleum argued that by " * * * relying on a sole-source supplier [Rustlick], the Government is paying more for a product which is inferior and is disregarding a product which has been submitted for evaluation and testing * * *."

~~007938~~
110974

*Testing Air Force supplies
procurement practices
competition and protests
limitations*

Thereafter, on October 4, 1979, we were advised by DLA that the Air Force had agreed to conduct laboratory testing of Castoleum's products Trizol-RPC and Pennecoat and that if such tests were favorable, the Air Force would conduct extensive field testing of those products to determine whether they met the Air Force's minimum needs. DLA also advised us it was canceling the RFP because the RFP did not solicit offers for "WD-40", an approved alternate corrosion preventive manufactured by the WD-40 Company. (In this regard, DLA stated that it had not been informed by the Air Force that a product other than "Rustlick 606" was acceptable.) Consequently, DLA urged us to dismiss Castoleum's protest as moot. D. 3446

Castoleum, however, does not agree that its protest is moot. Castoleum maintains that to date the Air Force has not conducted any tests on Castoleum's products and that absent a decision from our Office it is "completely without a remedy" and that the Air Force's actions amount to nothing but promises "which will never be fulfilled."

In view of the Air Force's decision to test Castoleum's products and the cancellation of the RFP, we do not believe any useful purpose would be served by further considering Castoleum's protest. However, we do expect the Air Force to conduct laboratory testing of Castoleum's products and to field test those products if the results of the laboratory testing indicate Castoleum's products might satisfy the Air Force's minimum needs and the cost of conducting such field tests does not outweigh the benefit to be gained by increasing competition.

The protest is dismissed.



Milton J. Socolar
General Counsel