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**DECISION**



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

B-220048

**FILE:**

**DATE:** December 3, 1985

Rainbow Navigation, Inc.

**MATTER OF:**

**DIGEST:**

1. Protester's statements and actions during the procurement process are inconsistent with its contentions that RFP did not permit services offered by awardee or was misleading in that regard.
2. Whether contractor performs in a manner consistent with the contract involves a matter of contract administration for the contracting agency that GAO does not review.

Rainbow Navigation, Inc. (Rainbow), protests the award of contract to Trailer Marine Transport Corporation (TMT) under request for proposals (RFP) No. N00033-85-R-8507 issued by the Military Sealift Command (Navy) for the transportation of military cargo between the United States and Praia da Vittoria, Azores.

Rainbow contends that the award should not have been made to TMT because Rainbow construes the RFP as soliciting lift on/lift off (LoLo) services at Praia da Vittoria and, therefore, TMT's offer of a roll on/roll off (RoRo) service did not comply with the RFP. Alternatively, Rainbow contends that, if the RFP was not restricted to LoLo proposals, Rainbow was misled by the RFP into believing that it was restricted. Additionally, Rainbow contends that the RFP is defective because it contemplates a shipping service utilizing a tug/barge system and the Azores authorities object to that system offered by Rainbow and TMT. In the circumstances, Rainbow contends that the award should be terminated and the procurement recompeted.

We deny the protest.

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The Navy points to language in the RFP calling for a self-sustaining shipping service as permitting either a RoRo and LoLo operation. Rainbow's construction of the RFP and alleged misdirection by the RFP are inconsistent with Rainbow's own statements and actions. For example, while Rainbow contends that the RFP led it to believe that RoRo services were not acceptable under the RFP, we note that at the preproposal conference, Rainbow asked if RoRo facilities were available at Praia da Vittoria. Such an inquiry is not consistent with a view that the RFP did not permit RoRo services or was misleading in that regard. Further, we note that at the suggestion of the contracting officer and another military representative, Rainbow and other offerors made a trip to Praia da Vittoria to ascertain if facilities were available there for RoRo. Such a trip is likewise inconsistent with a view that the RFP only solicited LoLo services or was misleading in that regard. It is significant too that, although Rainbow offered a LoLo configuration, its proposal noted that its vessel was capable of RoRo operation if port facilities should improve. Such a note is inconsistent with Rainbow's alleged reading of the RFP as precluding RoRo operations.

Further, while the local authorities in the Azores may object to the use of a tug/barge system at Praia da Vittoria, the Navy was unaware that the local authorities had any objection to the system in the RFP when award was made. Whether TMT now performs in a manner consistent with the contract involves a matter of contract administration for the contracting agency that we do not review.

*for* *Seymour E. Egan*  
Harry R. Van Cleve  
General Counsel