



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Coliseum Construction, Inc.

File: B-229801

Date: February 22, 1988

DIGEST

Solicitation provision which, in accordance with a deviation from the Federal Acquisition Regulation (FAR), precludes the use of individuals as security for bid, payment and performance bonds unless they deposit adequate tangible assets with the government, is not objectionable where the deviation was authorized under the FAR and is a temporary element of a pilot contracting program aimed at improving the efficiency of the agency's procurement efforts.

DECISION

Coliseum Construction, Inc., protests the provision in invitation for bids (IFB) No. N62766-86-B-2306, issued by the Department of the Navy, that bonds executed by individual sureties without the deposit of tangible securities would not be acceptable. The solicitation is for asbestos removal and insulation replacement at a boiler plant at the U.S. Naval Air Station, Guam. Coliseum contends that the restriction on individual sureties violates the Federal Acquisition Regulation (FAR) and restricts competition in violation of the Competition in Contracting Act.

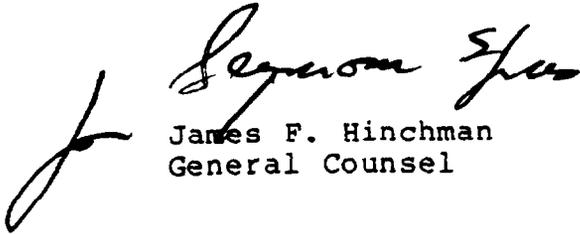
The protest is denied.

The restriction on individual sureties, although inconsistent with FAR § 28.202, was authorized after the Department of Defense, under FAR § 1.404 (FAC 84-30), authorized a class deviation from the FAR to permit the exclusion of individual sureties unless they deposited tangible securities. The deviation was granted as part of a pilot program developed by the Navy to improve its contracting efforts, and will expire at the end of September 1988. We

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recently held that implementation of the deviation during this limited period, during which the Navy is gathering information on its effect and effectiveness, is appropriate and will not be questioned by this Office. See Coliseum Construction, Inc., B-228597, Feb. 9, 1988, 88-1 CPD ¶ ____.

Accordingly, Coliseum's protest is denied.

A handwritten signature in cursive script, appearing to read "James F. Hinchman".

James F. Hinchman
General Counsel