

Perry



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Automated Power Systems, Inc.

File: B-236545

Date: November 7, 1989

DIGEST

Whether retesting is required for the purposes of a Qualified Products List (QPL) where the offeror changes location of manufacture is a matter for the determination of the agency responsible for the QPL, and the General Accounting Office will not question the agency's judgment unless it is shown not to have a reasonable basis.

DECISION

Automated Power Systems, Inc. (APS), protests the award of a contract to C-R Control Systems, Inc. (C-R), under invitation for bids (IFB) No. DTCG36-89-B-00039, issued by the United States Coast Guard, for lampchangers. Bidders were required to offer lampchangers that were on the Qualified Products List (QPL) of items that had been tested and approved by the agency. APS and C-R are the only manufacturers whose lampchangers are on the QPL. APS contends that the location of manufacture cited by C-R in its bid is not an approved source and therefore its bid should be rejected.

We deny the protest.

The protester alleges that the QPL for lampchangers shows a manufacturing facility at Electronic Assembly Corporation in Neenah, Wisconsin, but that C-R's bid shows Community Workshops Corporation (CWC) in Norwich, New York, as the place of inspection and manufacture of the lampchangers under the current procurement. APS contends that the agency approved the use of the Norwich plant after a mere site visit by an agency employee and that such an evaluation is insufficient. APS argues that the Federal Acquisition Regulation (FAR) § 9.201 (FAC 84-39) mandates that where a new place of manufacture is utilized the product must be retested before it can be admitted onto the QPL.

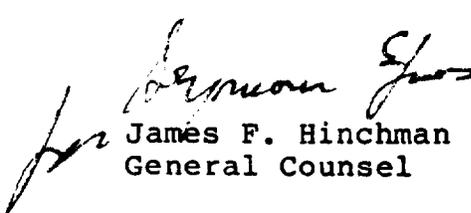
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Whether to require retesting for the purposes of QPL listing is a discretionary matter, see FAR § 9.207(b) (FAC 84-39), and we will not object to the agency's exercise of discretion absent a showing that it lacked a reasonable basis. Automated Power Sys., Inc., B-224203, Feb. 4, 1987, 87-1 CPD ¶ 109 (a prior similar protest involving these same parties). FAR § 52.209-1(f) (FAC 84-39) (included in the solicitation) provides that:

"Any change in location or ownership of the plant where a previously qualified product or service was manufactured or performed requires reevaluation of the qualification. Similarly, any change in location or ownership of a previously qualified manufacturer or source requires reevaluation of the qualification. The reevaluation must be accomplished before the date of award." (Emphasis added.)

This provision obligates the agency to reevaluate the qualification, but not necessarily to retest the product, when the manufacturing location is changed.

Here, the Coast Guard inspected CWS in Norwich, New York, on October 4, 1988, and approved the facility on October 13. This approval was based on a site inspection; on assurances from C-R that its own production and test equipment would be used; and on the fact that CWS' quality control engineer was determined to be capable of supervising the production and testing of the QPL items. We view this evaluation to be sufficient and the approval to be reasonably based. Accordingly, retesting in this circumstance was not necessary, and the protest is denied.


James F. Hinchman
General Counsel