



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Perrill Construction, Inc.
File: B-237245; B-237246; B-237247
Date: January 29, 1990

DIGEST

Protest that bidder's proposed roofing system did not satisfy a solicitation requirement that the roof have a Class A fire rating is denied where record indicates that the roofing system in fact satisfied the requirement.

DECISION

Perrill Construction, Inc., protests the Army's award of three contracts to O.V. Campbell & Sons Industries, Inc., under invitation for bids (IFB) Nos. DAEA18-89-B-0017, DAEA18-89-B-0021, and DAEA-89-B-0025, for reroofing various units of government housing at Fort Huachuca, Arizona. Perrill contends that Campbell's bids should have been rejected for failure to satisfy a requirement concerning the fire rating of the proposed roofing system.

We deny the protests.

Each of the IFBs called for a built-up roofing system, consisting basically of underlayment, insulation, roofing membrane, and aggregate (gravel) surfacing. With respect to the gravel cover to be applied over the membrane, the solicitations specified a maximum weight of 450 pounds per 100 square feet. Further, the IFBs required the roofing system to have a Class A fire rating. Each IFB required submission with bids of a certification, executed by the manufacturer, identifying the offered system, and certifying that: (1) it had reviewed the specifications for the required built-up roofing system; (2) the system identified in the certification was suitable for use with the roof system construction required for the project as it relates to normal wear and tear; (3) the bidder is a licensed applicator of the manufacturer's roofing system able to obtain its 15-year warranty; and (4) the system was in fact subject to a material and workmanship warranty for 15 years. Finally, the IFBs required that test reports be submitted

047603/140510

from an independent testing laboratory attesting that the identified roofing system met all specifications, including the specified Class A fire rating.

Perrill asserts that the roofing system identified in Campbell's certification did not meet the IFB requirement for a Class A fire rating; Perrill maintains that the test report provided by Campbell prior to award indicated that its proposed roof, in order to achieve a Class A rating, requires the use of 500 pounds of gravel per 100 square feet of roofing membrane, an amount that exceeds the permissible maximum specified in the IFBs by 50 pounds.

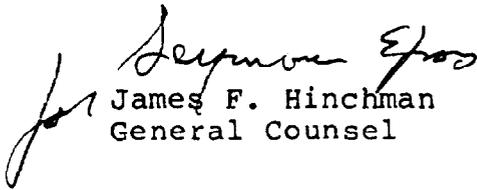
We find that Campbell's roofing system met the fire rating requirement. As required by the IFBs, Campbell submitted with its bid the certification that its proposed roofing system met all IFB requirements, and there is nothing on the face of the information furnished with the certification, or in the rest of the bid, indicating that the offered roofing system will not satisfy the fire rating requirement. See Westec Air, Inc., B-230724, July 18, 1988, 88-2 CPD ¶ 59. Further, in confirmation that Campbell's roofing system met this requirement, the Army has provided an Underwriters Laboratories test report, completed shortly after the protests were filed, indicating full compliance of Campbell's proposed roofing system with all of the specifications at issue here. The roof, according to the report, received a Class A rating with only 400 pounds of gravel, 50 pounds less than the maximum permitted by the IFBs.

Perrill maintains that the IFBs required that an independent laboratory attest to compliance with the Class A fire rating standards prior to award, and that the post-award test data is insufficient. We disagree. The IFBs did require the submission of satisfactory fire rating test reports, but nowhere indicated that the reports had to be submitted with the bids or as a precondition of award. Rather, each IFB, at Section C-5, Paragraph 7, provided that,

"[F]ollowing application of flood coat, 400 to 450 pounds of aggregate per 100 square feet shall be placed in a manner so as to form a continuous compact embedded overlay. Completed roof system shall have a Class A fire rating . . . which shall be verified by an independent laboratory and submitted to the Contracting Officer."
(Emphasis added.)

This language indicates that the agency required the test reports, not as a precondition of award, but as a confirmation of that the installed system actually met the Class A rating requirement. The Army's reference to the test report after award here was merely an attempt to determine the accuracy of Campbell's bid certification prior to performance; the report in fact indicated that the system met the fire rating requirement, as Campbell had certified. See generally GEBE Gebaeude und Betriebstechnik, GmbH, B-231048, July 7, 1988, 88-2 CPD ¶ 20.

The protests are denied.


James F. Hinchman
General Counsel