



Comptroller General
of the United States

3062912

Washington, D.C. 20548

Decision

Matter of: Underwater Development Technology--
Reconsideration

File: B-256558.3

Date: December 28, 1994

DECISION

Underwater Development Technology (UDT) requests reconsideration of our decision denying its protest against the award of a contract to Colombia Research Corporation (CRC) under request for proposals (RFP) No. N61331-93-R-0014, issued by the Department of the Navy for overhaul of SEAL Delivery Vehicles (SDV). Underwater Dev. Technology, B-256558.2, Aug. 4, 1994, 94-2 CPD ¶ 124.

We deny the request for reconsideration.

The RFP contemplated a requirements contract against which orders to test SDVs would be placed by the Navy and filled by the contractor using agency test facilities when available. Since availability of the testing facilities could not be guaranteed, offerors were required to propose functionally equivalent facilities that could be used as a backup.¹ The Navy facilities were generally described in the RFP; part of that description included the identification of two hyperbaric chambers.

CRC's proposal identified two hyperbaric chambers at the firm's facility. The Navy found the proposal technically acceptable on a pass/fail basis and awarded CRC a contract as the low-priced offeror. UDT protested alleging, among other things, that CRC owned only one operational hyperbaric chamber and that the other chamber included in its proposal was government-furnished equipment (GFE) under another contract. During the course of the protest, CRC acknowledged that one of the chambers identified in its proposal was, in fact, GFE. The Navy reevaluated CRC's proposal in light of this information and determined it to be acceptable because CRC had an operational chamber which could be used to perform 85 percent of the required SDV testing and a subcontracting plan to accomplish the rest of

¹In lieu of possessing the facilities, offerors could set forth a plan to obtain them and subcontracting for them was not precluded by the RFP.

the testing. The Navy concluded that this combination met the RFP requirement for functionally equivalent facilities. We denied UDT's protest and the firm filed this request for reconsideration.

In the request for reconsideration, UDT notes that CRC, in its final comments on the protest, admitted that both of the operational hyperbaric chambers identified in its proposal were GFE and argues that our decision was erroneous because the Navy did not take this admission into account in its reevaluation of CRC's proposal.

The CRC submission to which UDT refers does indicate that the two chambers identified in CRC's proposal were GFE. However, UDT fails to note that the submission also indicates (with a supporting affidavit) that the firm actually owns two other chambers, one of which is operational. In light of this evidence, which is not contradicted in the record, and notwithstanding the fact that CRC's proposal may have incorrectly identified which chamber or chambers it was planning to use, we have no basis to disturb the Navy's reevaluation of CRC's proposal. CRC had an operational chamber of its own at the time it submitted its offer and adequate subcontracting plans to perform SDV testing that the chamber would not accommodate. Moreover, the record shows that CRC was the successfully performing incumbent contractor for virtually identical SDV testing requirements. Further, UDT's focus on the ownership of hyperbaric chambers is misplaced. The RFP did not require ownership of chambers, in fact, several technically acceptable offers proposed to subcontract all testing.

Accordingly, CRC has not shown that our initial decision contains an error of fact or law or presented information not previously considered which warrants a reversal of our decision. Bid Protest Regulations, 4 C.F.R. § 21.12 (1994).

The request for reconsideration is denied.



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Acting Associate General Counsel