



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

IME

A-66589

JUL 12 1935

Dalco Lubricants, Inc.,
60 L Street, N.E.,
Washington, D. C.

Gentlemen:

Referring to your letter of February 27, 1935, receipt of which was acknowledged March 4, you are advised that there has been investigated your protest against the rejection by the Procurement Division, Treasury Department, of your bid for delivery of gear oil, Class II, for the period from January 1, 1935, to March 31, 1936, and you are advised that the facts disclosed are not sufficient to justify this office in withholding the uses of appropriated moneys to make otherwise proper payments under the contract awarded to the D-A Lubricant Company for the delivery of the gear oil in question.

The advertised specifications provided that the gear oil should be "strictly non-abrasive; all densities; must be and remain of uniform consistency; D-A, or equal." When the bids were received samples of the gear oil were submitted to the Bureau of Standards for test, and such test disclosed that the sample submitted by you showed less stability than the D-A Lubricant Company product; that it contained more asbestos and consequently less oil.

There has been noted your statement that any mechanic and most "outside" automotive engineers would consider such a test for lubricating value as so much theoretical uselessness, but it is to be remembered that the Bureau of Standards has been established and maintained for the purpose of testing various manufactured articles, and this office may not properly conclude that such a test is of less value than the opinion of any mechanic or outside automotive engineer.

As the product offered by you was shown by the Bureau of Standards' test not to be the equal of the D-A lubricant, either in stability or oil content, there is no legal basis for this office to sustain your protest against the administrative action taken in the matter.

You are advised accordingly.

Respectfully,

(Signed) J. E. McCarl
Comptroller General
of the United States.