

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-187048

DATE: September 28, 1976

MATTER OF: Coastal Dry Dock & Repair Corporation

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*97962***DIGEST:**

Bid for ship repair from large shipyard having both dry dock and topside repair facilities is responsive even though it was only for topside work, since IFB "lot bidding" provision required separate bids upon dry dock work, topside work, and combination thereof only from bidders who felt capable of doing entire job. Possession of both dry dock and topside facilities in itself does not obligate bidder to bid upon each type of work plus combination thereof: bidder must be interested in performing entire job.

Coastal Dry Dock & Repair Corporation (Coastal) protests the proposed award of a contract to Todd Shipyards Corporation (Todd) for repair work on the USS FISKE (DD-842) under Invitation for Bids (IFB) No. 62794-76-B-0037, issued by the Supervisor of Shipbuilding Conversion & Repair, Brooklyn, New York.

The task of overhauling the USS FISKE was divided into three lots: "dry dock" work; "topside" work (also referred to as "afloat" work in the IFB); and a "combination" of "dry dock" and "afloat" work. We are advised that this "lot bidding" procedure is intended to obtain maximum competition by allowing firms which were capable of performing on only one lot to compete for that lot.

The "lot bidding" procedure was explained by the IFB as follows:

"Those bidders who cannot dry dock the vessel are requested to submit a bid based on the Afloat Work.

"Those bidders who can dry dock the vessel are required to submit separate bids based on the Dry dock Work, Afloat Work and Combination of Dry dock and Afloat Work.

"The Government reserves the right to make the award to any bidder on the basis of Dry dock Work, Afloat Work, or Combination of Dry dock and Afloat Work as may be in the best interest of the Government, price and other factors considered. Bids submitted for Combination of Dry dock and Afloat Work will not be considered unless accompanied by bids for both Dry dock Work and Afloat Work." (Emphasis in original.)

Of the bids received in response to the solicitation the following are pertinent to Coastal's protest:

	<u>Dry dock</u>	<u>Topside</u>	<u>Combined</u>
Todd Shipyards Corp.	623,119	-	-
General Ship & Engine Works	-	1,239,577	-
Coastal Dry Dock & Repair Corp	895,00	2,500,000	2,844,000

The Navy proposes to make award of the "dry dock" and "topside" lots to Todd and General, respectively, because that would result in a lower total price than an award of the "combined" lot to Coastal.

Coastal argues that because Todd has facilities for both dry dock and topside work, Todd was required to bid upon all three lots and that Todd's bid for the dry dock work alone was nonresponsive. We do not agree.

We believe that when all of the IFB's "lot bidding" provisions quoted above are read together they require only that firms interested in bidding upon both dry dock and topside work must bid upon each type of work separately as well as a combined lot. We do not believe that a firm is compelled to bid upon all three lots simply because it has facilities for performing both dry dock and topside work. There may be any number of reasons why a firm possessing facilities for a certain type of work may not be able to undertake that work at a particular time: for example, a certain facility may already be committed to another project. The IFB requires only those firms who "can" do both types of work to bid on all three lots: firms who believe they cannot are relieved of that

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requirement. Acceptance of Coastal's view could result in forcing unwanted work upon a potential bidder which may, as the Navy observes, actually diminish competition.

In our opinion, there was no absolute requirement that Todd bid upon all three lots. Therefore, there is no basis for rejecting its bid as nonresponsive and the protest is denied.

Deputy

Byrd
Comptroller General
of the United States