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Eileen Pettit
Proc. I

DECISION



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

FILE: B-187307

DATE: February 15, 1977

MATTER OF: Parker-Hannifin Corporation

DIGEST:

Where protest and agency reports and justifications have centered around sole-source procurement being for C-130 aircraft, but detailed review of record indicates that equipment being procured is not for C-130 aircraft and is intended as replacement for items being diverted from contract for other aircraft, GAO is unable to conclude from record that any basis exists for sole-source award for contemplated procurement and matter is remanded to agency to explore possibility of accomplishing procurement on competitive basis.

Parker-Hannifin Corporation (PHC) has protested against a sole-source award being made to XAR Industries (XAR) for eight Universal Aerial Refueling Receptacle Slipway Installations (UARRSI) and related equipment under request for proposals (RFP) No. F33657-76-R-0972 issued by the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio.

A UARRSI, as defined by the Air Force, is:

"[T]he receptacle universally applied to all aircraft and positioned in the aircraft to enable mating for receipt of fuel from a tanker aircraft using a flying boom nozzle or equivalent system during exchange of fuel while both aircraft are in flight."

The Air Force has attempted to justify this procurement on the basis that the UARRSI is for C-130 aircraft and the procurement cycle is such that there would not be adequate time for anyone other than XAR—the current manufacturer of the equipment—to make delivery within the required timeframe. The determination and findings (D&F) to support negotiation on a sole-source basis under 10 U.S.C. 2304(a)(10) (1970) are premised upon the UARRSI being for the C-130 aircraft. The

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Air Force has indicated that the justification for the required time-frame ostensibly has been based upon the C-130 need. The theme that runs through all the agency reports is that the procurement is for the C-130 aircraft. Likewise, the PHC protest and comments have been upon that basis. However, upon a review of the record, we find that the UARRSI is not for the C-130 aircraft, the equipment for that aircraft having been diverted from contract F33657-75-C-0659. The UARRSI's are intended as replacements for the items being diverted and will actually be used on aircraft other than the C-130. A D&F for equipment for C-130 aircraft does not support the procurement actually to be made.

Thus, we are unable to conclude from the record that any basis exists for a sole-source award for the contemplated procurement. Therefore, it may be that there is adequate time available to procure the UARRSI on a competitive basis. Accordingly, it is recommended that the Air Force explore the possibility of accomplishing the procurement for the aircraft actually involved on that basis.

In view of the posture of the case at this time, we find it unnecessary to consider any of the issues raised by the protest.

The matter is remanded to the Air Force for appropriate consideration and action.

Deputy

R. J. Kellin
Comptroller General
of the United States