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**DECISION**



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

FILE: B-201581

DATE: May 4, 1981

MATTER OF: Aero Corporation

**DIGEST:**

*Protest of* Determination that offeror met definitive responsibility criteria, availability of adequate hangar space for maintenance of aircraft, was reasonable where blueprints of hangars, physical inspection and existing and projected other work were considered.

On August 29, 1980, the Department of the Navy (Navy) issued request for proposals (RFP) No. N68520-80-R-9021 for standard depot level maintenance for Navy P-3 aircraft. The term of the contract was a basic year plus 4 option years.

The RFP required that a maximum of six P-3's be housed for servicing in hangars meeting clearly specified space requirements. Offerors were required to indicate in their proposals whether they had available hangar space meeting the specified criteria and, if not, how they planned to meet the criteria. Thus, we conclude that this was a definitive responsibility criteria.

Two proposals were received--one from Aero Corporation (Aero) and the other from Hayes International Corporation (Hayes). Both proposals were considered to be in the competitive range and final competition was based on price alone. Hayes' proposal was low. As a result of a preaward survey, Hayes was rated satisfactory, and the Navy awarded Hayes the contract.

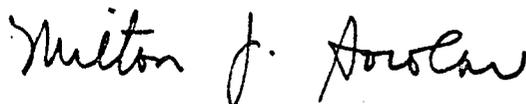
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Aero protests that Hayes does not have a sufficient number of suitable hangars to house six P-3 aircraft, and Hayes' other contractual commitments make it impossible for Hayes to properly perform its contract. It is Aero's primary contention that the hangar criteria referred to above require hangar facilities capable of "fully enclosing" the six P-3 aircraft, citing various definitions of hangars, and that Hayes' hangars do not meet this requirement.

Aero initially protested to the Navy prior to award and, therefore, the preaward survey (PAS) team was specifically instructed to determine whether Hayes' facilities met the hangar requirement. The PAS, in conjunction with other Navy technical personnel, reported to the Acquisition Review Board (the contract approving authority) that Hayes "had or would have sufficient open hangar space available and that the hangars proposed met the requirement of the solicitation." It is reported that this determination included consideration of existing and projected other work. Blueprints submitted by Hayes as part of its preaward survey show six P-3 aircrafts properly housed in fully enclosed hangars. Thus, based upon the information developed by the PAS, Hayes clearly satisfied the definitive responsibility criteria.

Although Aero's request under the Freedom of Information Act for access to the information relied upon by the contracting officer in making his determination was denied as being confidential business information, we have examined it and cannot conclude that the contracting officer acted unreasonably in determining Hayes responsible. Auto Discount Rent-N-Drive Systems, Inc; Jerry's U-Drive, Inc; and George Corporation B-197236; B-197236.2; B-197236.3, July 28, 1980, 80-2 CPD 73.

Based on the above, the protest is denied.



Acting Comptroller General  
of the United States