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DECISION



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

FILE: B-215482

DATE: June 28, 1984

MATTER OF: Sandina Enterprises, Inc.

DIGEST:

Bid which designates a place of performance that does not appear on the Department of Labor's published list of labor surplus areas (LSA) on the date of bid opening is not eligible for LSA evaluation preference set forth in IFB. Bidder which submits bid that does not qualify for LSA preference at bid opening cannot substitute a current LSA for its proposed non-LSA and thus become eligible for evaluation preference.

Sandina Enterprises, Inc. (Sandina), protests award to any other bidder under solicitation No. DLA100-84-R-0618 issued by the Defense Personnel Support Center for a quantity of items described as "Liner Rucksack, Nylon." From Sandina's initial submissions to our Office, it appears that the IFB stated that bids which indicated that the majority of the work would be performed in a labor surplus area (LSA) would receive a preference in the evaluation of bids and that the contracting agency has determined that Sandina's bid is not eligible for the LSA preference because the area which Sandina listed in its bid as its place of performance was not on the Department of Labor's LSA list current on the date of bid opening. Sandina protests award to any other bidder and requests that it be allowed to change its bid to list suppliers which are located in LSA's in order to qualify for the LSA evaluation preference.

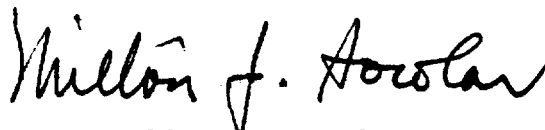
We summarily deny the protest.

We have held that to be eligible for an LSA evaluation preference, a bidder must legally obligate itself to perform in an LSA by designating a place of performance in its bid that is identified as an LSA on the Department of Labor's published list of LSA's that is current as of the date of bid opening. Salon Tropical Restaurant, B-211239, April 6, 1983, 83-1 CPD 371; Vi Mil Inc., B-208012, September 20, 1982, 82-2 CPD 244. Even where the Department of Labor's

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LSA list is changed after a bidder has submitted a bid, a bidder may not be allowed to change its designated place of performance after bid opening to a location which appears on the new LSA list. Vi Mil Inc., B-208012, supra, at 4. Thus, since Sandina's bid did not list a location which was on the LSA list on the date of bid opening, Sandina's bid may not now be changed, as Sandina suggests, to reflect the location of various suppliers currently in LSA areas. Sandina cites our decision in Clark Division of Euclid Design and Development Company, B-185632, April 21, 1976, 76-1 CPD 270, as standing for the proposition that a bidder should be able to change its LSA designation after bid opening. However, that case is distinguishable because there, unlike here, the bidder was eligible for the LSA set-aside award on the bid opening date and merely wanted to change the stated percentage of costs to be incurred in an LSA to a level which was still above the solicitation's stated minimum required percentage.

The protest is summarily denied.



Acting Comptroller General
of the United States