



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Colbar, Inc.  
File: B-230736.4  
Date: August 25, 1988

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### DIGEST

A protest of an award by a firm, which was found technically unacceptable due to understaffing, but which does not dispute the agency determination in this regard, is dismissed.

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### DECISION

In our decision Colbar, Inc., B-230736.3, Aug. 18, 1988, 88-1 CPD ¶ \_\_\_, we dismissed Colbar's protest of an award of a contract to H.L.J. Management Group, Inc., by the Department of the Army for full food and kitchen police services at Aberdeen Proving Ground, Maryland. Colbar protested that it was entitled to the award because its price was significantly low and it sufficiently demonstrated its experience and qualifications in its technical proposal. However, Colbar did not dispute the Army's determination that Colbar was not entitled to the award because its "offer was technically unacceptable due to inadequately proposed overall staffing." Consequently, we dismissed Colbar's protest, since it stated no valid bases for protest.

We affirm our dismissal.

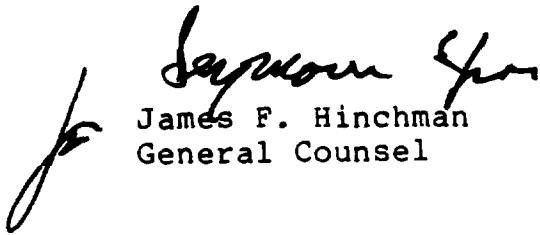
Upon learning of our dismissal through a telephone conversation, but prior to actually receiving a copy of it, Colbar submitted additional correspondence. Colbar now claims that it has not been advised that its proposal was found technically unacceptable and that the Army has "misinformed" our Office in this matter. However, not only did Colbar's initial protest to our Office include a copy of a letter from the Army to Colbar dated August 12, 1988, which contains the aforementioned language stating that Colbar was technically unacceptable due to inadequate staffing, but Colbar's latest submission also includes a copy of this same letter.

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Colbar still does not dispute in any way the Army's position stated in the August 12 letter concerning its proposed staffing; instead Colbar argues that as far it has been advised, its proposal is susceptible to being made acceptable and it is still in the competitive range with the significantly low price, such that award could not be made without conducting negotiations with it.

The documentary evidence supplied by Colbar advising it of its technical unacceptability and the reasons therefor (i.e. the Army letter dated August 12, 1988), contradicts Colbar's position. Since Colbar still does not mention, much less dispute, the determination made in this letter, it has not stated a valid basis for protest.

Since Colbar's most recent correspondence still does not address the basis on which its proposal was deemed unacceptable, we affirm our dismissal.



James F. Hinchman  
General Counsel