



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kime Plus, Inc.

File: B-242359

Date: March 22, 1991

Christopher Solop, Esq., Ott, Purdy & Scott, Ltd., for the protester.
Herbert F. Kelley, Jr., Esq., and Sophia L. Rafatjah, Esq., Department of the Army, for the agency.
Mary G. Curcio, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Solicitation is not defective for failure to specify precise quantity of equipment to be cleaned where it includes information concerning the projected level of equipment and bidders are thus able to prepare their bids on an intelligent and equal basis.

DECISION

Kime Plus, Inc. protests that invitation for bids (IFB) No. DAKF24-91-B-0001, issued by the Department of the Army for full food services and dining facility attendant services at Fort Polk, Louisiana, is defective because it does not give a precise list of the equipment and furniture which must be cleaned in each dining facility.

We deny the protest.

The IFB was issued on November 7, 1990, for a contractor to provide full food services and dining facility attendant services. Among other things, this requires the contractor to clean and maintain government-furnished equipment and furniture in each dining facility. Following a site visit, Kime, the incumbent contractor, questioned the agency concerning the quantity of furniture and equipment that would be in each facility. According to Kime, during its past performance the agency added equipment to the dining facility that was not there during the site inspection or at the beginning of contract performance. As a result, it had to clean equipment in addition to that which it anticipated cleaning when it prepared its bid. In response, the Army

issued amendment No. 2 to the IFB, which in part provided that the equipment to be included in the dining facilities would be based on Common Table of Allowances (CTA) 50-909, Field and Garrison Furnishings Equipment. CTA 50-909 lists the maximum quantity of furniture and equipment by type that may be requisitioned for a dining facility based on the square footage of the facility.

Kime asserts that cleaning and maintaining the dining facility furniture and equipment is labor intensive and is a significant contract cost. Kime therefore argues that it is essential for the contractor to have an accurate inventory of the items it will be responsible for cleaning and maintaining so that it can determine the number of work hours that are necessary to perform this labor when it prepares its bid. Kime protests that the Army's incorporation of CTA 50-909 into the solicitation does not provide a bidder with sufficient information to enable it to prepare its bid intelligently because it only sets forth the maximum quantity of furniture and equipment that might be included in a facility and not the actual quantity.^{1/} Kime argues that it is unreasonable to require bidders to base their bids on the maximum quantity and asserts that the government will be paying more than necessary if less than the maximum quantity of furniture and equipment is actually placed in each facility. Kime requests that we direct the Army to amend the IFB to include a precise list of the furniture and equipment that will be placed in each facility.

The Army responds that CTA 50-909 provides the level of furniture and equipment that a procuring agency is authorized to order for each dining facility and that in conjunction with this publication it has established the authorized acquisition level as the projected level of government-furnished equipment that will be located in each dining facility. The Army asserts that CTA 50-909 establishes a standard level of equipment that any prospective bidder can assume it will be responsible for cleaning and maintaining and sets a level of projected workload that each bidder can use as the basis for preparing its bid. Finally, the Army reports that it has issued amendment No. 4 to the IFB, which provides that

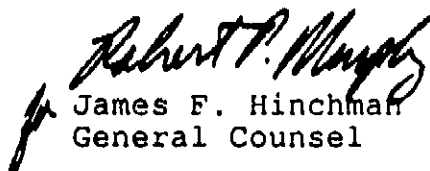
^{1/} Kime initially also protested that the solicitation did not provide sufficient information for a prospective contractor to determine the cost of operating the Army Food Management Information System; did not clearly indicate whether the contractor was required to provide food services for 11 buildings; and did not clearly indicate the contractor's bussing responsibilities. Kime withdrew these issues, however, after the Army issued an amendment addressing them.

contractors will receive an equitable adjustment for cleaning and maintaining any equipment that is added to a dining facility in excess of the level of equipment established by CTA 50-909.

Procuring agencies generally must give bidders sufficiently detailed information in a solicitation to compete intelligently and on an equal basis. There is no requirement, however, that a solicitation be so detailed as to eliminate all performance uncertainties and risks. KCA Corp., B-236260, Nov. 27, 1989, 89-2 CPD ¶ 498. Here, we do not find that the solicitation imposes an unreasonable risk on potential bidders.

As explained above, the Army incorporated CTA 50-909 into the solicitation to provide potential bidders with notice of the standard level of equipment that they could assume they would be responsible for cleaning and maintaining. CTA 50-909 gives a very precise and detailed listing of the types and quantities of each piece of furniture and equipment that may be placed in a dining facility based on the size of the facility. In addition, the solicitation contains a detailed description of the services which a contractor must perform concerning the cleaning and maintaining of the equipment. In our view, this provides bidders with sufficient information to prepare their bids intelligently. Further, since all bidders have the same information, the bids will be prepared on an equal basis. Finally, since amendment No. 4 permits bidders to receive an equitable adjustment for cleaning any furniture or equipment in excess of that permitted by CTA 50-909, there is no risk to Kime in basing its bid on the furniture permitted by CTA 50-909 that it will perform work for which it will not be compensated. Insofar as Kime asserts that the government will be at a disadvantage because bidders will base their bids on more equipment than will actually have to be cleaned, the Army states in its report that the equipment listed in CTA 50-909 is the projected level of equipment it expects to include in each dining facility and we have no basis on which to question this projection. Accordingly, it appears that the agency will only be paying for its actual anticipated needs.

The protest is denied.


James F. Hinchman
General Counsel