



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Diplomatic Supply, Ltd.

File: B-249493

Date: September 16, 1992

John Crider for the protester,
Paula J. Barton, Esq., Department of State, for the agency.
Christine F. Bednarz, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest concerning request for carriers' rate tenders for a one-time bill of lading shipment of vehicles falls outside the scope of the General Accounting Office's bid protest function.

DECISION

Diplomatic Supply, Ltd. protests the rejection of its offer by the Department of State, European Logistical Support Office (ELSO), under a tender of service for the transportation of vehicles via commercial carrier.

We dismiss the protest.

The matter under protest concerns the transportation of vehicles between Antwerp, Belgium, and 11 capital cities of the recently established Commonwealth of Independent States (CIS), emerged from the former Soviet Union. These vehicles are needed to equip the newly installed American embassies in these capital cities.

In connection with this requirement, ELSO requested, by letter dated February 19, 1992, rate tenders from various commercial carriers for truck shipments between Antwerp and the CIS capital cities from the period March 15, 1992, through December 31, 1992. By letter dated March 5, 1992, ELSO made a supplemental request for rate tenders for airfreight shipments along these same routes from the period April 1, 1992, through September 30, 1992.

Five firms, including the protester, submitted tenders in response to the request. Of these, Diplomatic Supply was found to be the high-priced offeror; its proposal was also found to lack specific pricing for transport between Antwerp

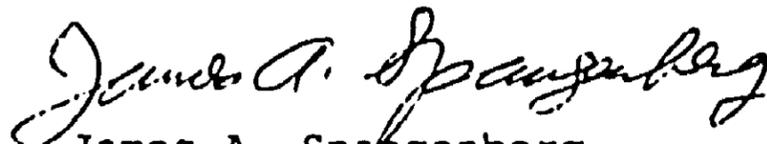
and Riga. Accordingly, ELSO notified the protester that it had arranged for the vehicle shipments through another firm. However, ELSO invited the protester to submit more information about its rate structure for future shipments to the CIS capitals.

ELSO contends that we should not consider this protest, because the procurement is a negotiation for a spot movement, i.e., a one-time shipment of a commodity on a bill of lading, requiring special equipment or services not otherwise provided by tariff or special rate tender. We agree.

Spot movement acquisitions have been excepted from our bid protest review because they fall outside the structure of the formal procurement process--that is, agencies generally employ their own informal procedures to accomplish these one-time, usually low-cost shipments. See Moody Bros. of Jacksonville, Inc.; Troika Int'l Ltd., 69 Comp. Gen. 524 (1990), 90-1 CPD ¶ 550; Stapp Towing Co., Inc., B-240087, July 6, 1990, 90-2 CPD ¶ 19.

The agency conducted this acquisition under informal spot movement procedures, which resulted in a one-time bill-of-lading shipment of the vehicles to their respective embassies. Neither a formal solicitation was issued nor a source selection conducted. According to ELSO, this shipment of vehicles was one of its first commercial deliveries into the CIS, where the changing political environment created uncertainty as to how to accomplish the delivery and even prevented ELSO from establishing specific routes. The agency did not intend to apply the prices proposed for this experimental shipment to later deliveries, as evidenced by ELSO's invitation to the protester to submit rate information for future shipments to the CIS capitals. Thus, this protest is not appropriate for consideration by our Office.

The protest is dismissed.


James A. Spangenberg
Assistant General Counsel