



Decision

Matter of: Marlen C. Robb & Son Boatyard & Marina, Inc.

File: B-256316

Date: June 6, 1994

Marlen C. Robb, Jr., for the protester.
Timothy A. Chenault, Esq., Department of Transportation,
for the agency.
Katherine I. Riback, Esq., and Paul I. Lieberman, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Geographic restriction in solicitation for haul-out repairs for utility boats which limits competition to firms with facilities within a 50-mile radius of where the boats are stationed is reasonable where, in order to ensure contract coordination and quality assurance, the agency requires frequent inspections at the contractor's facility, and longer distances impose an untenable burden on the agency in delivering the boats to the facility.

DECISION

Marlen C. Robb & Son Boatyard and Marina, Inc. protests a geographic restriction in invitation for bids (IFB) No. DTCG41-94-B-QW2001, for utility boat haul-out repairs, issued by the Department of Transportation, Coast Guard.

We deny the protest.

The IFB, issued on December 7, 1993, solicited bids for haul-out repairs (such as drydocking, cleaning, painting, and general service repairs), to be performed at the contractor's facility on nine Coast Guard utility boats stationed at Yorktown, Virginia. Under the IFB, materials and workmanship are subject to agency inspection and testing at all times. The agency is to deliver the vessel to the contractor's facility and, upon completion of the required work, to accept delivery of the vessel at the contractor's facility. The IFB requires prospective bidders to have a facility within a 50-land-mile radius of where the boats are stationed.

Prior to bid opening, by letter dated December 17, Marlen C. Robb filed an agency-level protest objecting to the geographical restriction. The agency denied the protest by letter dated January 19, 1994. This protest to our Office followed. Bid opening has been postponed pending resolution of the protest.

According to the protester, its boatyard and marina are located approximately 135 statute miles from Yorktown, which is "a day trip by the intracoastal waterway," or 2-1/2 hours by car. The protester states that it has licensed captains who would transport the vessels to and from the agency facility "at no cost to the government." Accordingly, the protester asserts that the 50-mile geographic limitation is unreasonable and unduly restricts competition.

An agency properly may restrict a procurement to offerors within a specified area if the restriction is reasonably necessary for the agency to meet its needs. Canal Claiborne Ltd., B-244211, Sept. 23, 1991, 91-2 CPD ¶ 266. The determination of the proper scope of a geographic restriction is a matter of the agency's judgment which we will review in order to assure that it has a reasonable basis. Blaine Hudson Printing, B-247004, Apr. 22, 1992, 92-1 CPD ¶ 380.

The restriction here is reasonable. The IFB provides for the agency to deliver the vessel to the contractor's facility and to pick up the vessel from the same facility upon completion of the required work. The agency explains that this provision is included in the IFB to minimize the risk of damage to these vessels in transit. The agency also points out that it must tow these vessels (by boat) to the contractor's facility because while the vessel is being serviced at the contractor's facility, the engines and navigational equipment will be removed for concurrent maintenance and repair by agency personnel at Yorktown. The agency determined that the time spent traveling to and from a contractor's facility beyond the 50-mile radius would be excessive. For example, at a maximum towing speed of 8 knots for the 157-nautical-mile distance to the protester's facility, the trip would take approximately 19 hours. Further, the towing reportedly can only be accomplished during daylight hours; thus, depending on the time of year, such a trip, at a safe speed, could take over 2 days.

This amount of time was deemed excessive due to the impact on the agency's personnel. First, according to the agency, three people are required for the towing vessel, and two people for the towed vessel. The agency states that it does not have available the required personnel for lengthy

journeys of this sort. The agency further explains that agency personnel will be required to be present at the contractor's facility on an almost daily basis to monitor the contractor's work in accordance with the inspection clause in the IFB, and to witness tests. The agency asserts that the 5-hour-round-trip traveling time by car that would be necessary for these almost daily inspections at the protester's facility is not feasible for agency personnel who have other duties; such lengthy travel time thus would have a detrimental effect on contract coordination and quality assurance.

We think the personnel impact from towing the vessels long distances to a repair facility provides a reasonable basis for the geographical restriction. We conclude that the restriction reasonably relates to the agency's valid need for accessibility and to the agency's operational needs for quality assurance through inspections at a relatively nearby facility. See Blaine Hudson Printing, supra.

The protest is denied.

/s/ John M. Melody
for Robert P. Murphy
Acting General Counsel