



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: The Purdy Corporation
File: B-259066
Date: March 1, 1995

J. Michael Slocum, Esq., Slocum, Boddie & Murry, for the protester.
Harry D. Boonin, Esq., Denise A. McLane, Esq., and Eric A. Lile, Esq., Department of the Navy, for the agency.
Henry J. Gorczycki, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Under solicitation for flight critical helicopter parts which restricted award to approved sources, the agency properly awarded the contract to the only approved source where the protester failed to seek source approval prior to the procurement and repeatedly failed to submit sufficient qualification information to support a pending source approval application.

DECISION

The Purdy Corporation protests an award to Sikorsky Aircraft Division, United Technologies Corporation, under request for quotations (RFQ) No. N00383-94-Q-N206, issued by the Department of the Navy, Naval Aviation Supply Office, for swashplate assemblies.

We deny the protest.

This acquisition is for stationary swashplate assemblies, which are one of the main components of the swashplate assemblies in the CH53-E and MH53-3 helicopters. This item is classified as "flight critical," which restricts acquisition of this item to approved sources. The only approved source for this item is Sikorsky.

¹A swashplate assembly is located on the rotor head of a helicopter and is a component in the directional control mechanism of the helicopter. A swashplate assembly consists of both stationary and rotating swashplate assemblies.

On March 17, 1994, the Navy synopsisized this procurement in the Commerce Business Daily (CBD), stating that award would be restricted to approved sources. The synopsis provided instructions for submitting source approval requests and stated:

" . . . Please note, if evaluation of a source approval request submitted hereunder cannot be processed in time and/or approval requirements preclude the ability to obtain subject items in time to meet government requirements, award of the subject requirement may continue based on [agency] needs."

The agency issued the RFQ on April 4.

On April 14, Purdy submitted to the Navy a qualification package requesting source approval. The Navy reviewed Purdy's qualification package and determined that a substantial quantity of additional data would be required to process the approval request. By letter of April 29, the Navy informed Purdy of the need for additional data and stated:

" . . . Once all required data is assembled, your company may resubmit for consideration of source approval for the subject item."

The following week, Sikorsky and Purdy submitted quotations in response to the RFQ, with Purdy quoting the lower price.

Purdy did not submit further information to support its source approval request until September 1994. Meanwhile, on September 2, the contracting officer received approval to reject Purdy's quotation on the basis that Purdy was not an approved source for this item. In early September, Purdy conversed with a Navy source development official by telephone regarding source approval for Purdy's swashplate assembly. During this conversation, Purdy stated that it was seeking source approval on the basis of similarity to Purdy's prior production of a major component of the subject assembly.² The source development official stated that this could reduce the data requirements for source approval and advised Purdy to resubmit its source approval request for the swashplate assembly with the necessary data pertaining to Purdy's component item. On September 19, the Navy received Purdy's amended source approval request. This request was also informationally deficient, and the

²In its April 14 source approval request, Purdy identified an incorrect part number for this approved component and failed to provide any data concerning this component.

Navy promptly so notified Purdy. Purdy submitted the additional information in October.

On September 29, the Navy awarded the contract to Sikorsky because the need for the swashplate assemblies had become urgent. Delivery was to begin 420 days later. The Navy announced this award in the CBD on October 6.

Purdy protests that the agency did not afford it a reasonable opportunity to obtain source approval.³

Implicit in the requirement that an agency afford a potential offeror a reasonable opportunity to demonstrate that its product can meet source approval standards prior to award is an obligation to conduct its review of the source approval request in a reasonably prompt manner. ABA Indus. Inc., B-250186, Jan. 13, 1993, 93-1 CPD ¶ 38. An agency is not, however, required to delay a procurement in order to provide a potential offeror with an opportunity to become approved. Id. Prospective offerors should generally seek qualification in advance and independent of any specific acquisition, and if they contribute to their failure to obtain source approval prior to award, we will deny their protests. Id.

Here, Purdy's own actions significantly contributed to the failure to have its source approval request processed. Purdy has known for 7 years that it needed to seek source approval for this swashplate assembly. Nevertheless, it

³Purdy submitted a source approval request for the subject item in 1984. That request, together with other requests, was the subject of a 1987 lawsuit filed by Purdy concerning delays in the Navy's source approval process. In a settlement agreement arising from that action, the Navy agreed to promptly process source approval requests and notify Purdy of the status of such requests on a quarterly basis. To the extent that Purdy now argues that the agency violated the agreement with respect to its 1984 request, we will not consider this allegation because the record shows that the Navy notified Purdy by letter of July 20, 1987, that Purdy's source approval request had not been approved. This was followed by 12 status reports over the next four years stating that Purdy's request had been "disapproved." Purdy did not pursue this disapproval with the Navy and, since it submitted a new source approval request on April 14, 1994, it is apparent that Purdy was aware that it needed to submit a new request in order to obtain source approval. Therefore, our review is limited to the source approval requests submitted during the course of the instant procurement. See The Purdy Corp., B-255505, Mar. 4, 1994, 94-1 CPD ¶ 174.

waited until nearly a month after this RFQ was synopsisized in the CBD, and after the RFQ was issued, before submitting a source approval request. Two weeks later, the Navy notified Purdy that its request contained insufficient information. Then, Purdy waited 4 months before contacting the agency, and additional weeks before submitting an amended source approval request, which was again informationally deficient. At this time, the Navy could not wait any longer to make award. The Navy states, without rebuttal from Purdy, that the approval process and resulting production schedule would delay commencement of delivery by Purdy for a minimum of 750 days. This would be almost a year longer than under the contract awarded to Sikorsky. Also undisputed by Purdy is that the Navy already has back orders for this part and has a pressing need for delivery of this item. Accordingly, the Navy had no obligation here to delay award pending completion of Purdy's source approval request. See The Purdy Corp., supra.

The protest is denied.

\s\ Paul Lieberman
for Robert P. Murphy
General Counsel

⁴Assuming that Purdy has provided all the necessary information and that Purdy's item would be approved.