

**GAO**

**United States  
General Accounting Office  
Washington, D.C. 20548**

**Office of the General Counsel**

**B-222791.2**

September 2, 1986

The Honorable Richard K. Willard, Esq.  
Assistant Attorney General  
Civil Division  
Department of Justice  
Washington, D.C. 20350

**Subject: Aeronetics Division, AAR Brooks & Perkins  
Corporation v. United States,  
Cl. Ct. No. 471-86C**

Dear Mr. Willard:

We refer to your letter to our Office dated August 6, 1986, requesting a report on the above-entitled case.

The above claim by the Aeronetics Division of AAR Brooks & Perkins Corporation for an equitable adjustment under contract No. DAAB07-83-C-F010 appears to relate to a bid protest filed with our Office by Aeronetics. The firm challenged the rejection of its bids under invitation for bids Nos. DAAB07-85-B-F012 and DAAB07-85-B-F080. Aeronetics asserted that the U.S. Army Communications-Electronics Command acted improperly when it determined that, in view of Aeronetics' prior unsatisfactory performance under contract No. DAAB07-83-C-F010 and other contracts, the firm was nonresponsible.

In The Aeronetics Division of AAR Brooks & Perkins, B-222516 et al., Aug. 5, 1986, 86-2 CPD ¶ \_\_\_\_\_, we denied Aeronetics' protest. We held that Aeronetics had failed to demonstrate that the contracting officer acted in bad faith or without a reasonable basis when he determined that (1) the protester was seriously deficient in performing current contracts for the same or related goods; (2) the deficiencies were not beyond the protester's control; and (3) award should not be made until the protester had taken corrective action and proven its effectiveness.

Our records indicate no claim or other demand against the plaintiff that might furnish the basis for a counterclaim or setoff in this case.

Enclosed is a copy of our decision. If you need any other correspondence from our file, such as copies of the preaward surveys of Aeronetics' responsibility, we will make them available on specific request. You may contact David Ashen, the attorney assigned to this case, at (202) 275-9740 for further information.

Sincerely yours,



Ronald Berger  
Deputy Associate  
General Counsel

Enclosure