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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE: B-189021**

**DATE: December 21, 1977**

**MATTER OF: Rotair Industries**

**DIGEST:**

Untimely protest is considered on merits in view of deficiency noted. Fact that replacement aircraft parts are safety-of-flight items does not eliminate requirement for synopsisizing solicitation in Commerce Business Daily.

Rotair Industries (Rotair) has protested the Coast Guard's award of several contracts to Sikorsky Aircraft Division of United Technologies Corporation. The solicitations which preceded these contracts for aircraft replacement parts were not synopsisized in the Commerce Business Daily (CBD) and were negotiated on a sole-source basis with Sikorsky. Rotair asserts that it was precluded from submitting bids by the Coast Guard's failure to synopsisize the procurements.

Rotair initially protested to the Coast Guard. After Rotair's protest was denied by that agency, Rotair failed to file its protest with our Office within the 10-day period prescribed by 4 C.F.R. § 20.2(a)(1976). Although Rotair's protest is untimely for this reason, we have considered it upon the merits in view of the deficiencies observed in the record.

In its report to our Office submitted in response to Rotair's protest, the Coast Guard concedes that through "administrative error" it failed to synopsisize the procurements being protested. We are advised that steps have been taken to prevent a recurrence of this situation. However, it appears from the record that the Coast Guard still does not intend to synopsisize solicitations for safety-of-flight items. We do not believe this in itself is an adequate justification for not synopsisizing a procurement and are so advising the Secretary of Transportation by a separate letter of today. See Federal Procurement Regulations § 1-1.1003-2 (1964 ed. amend. 153).

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We have considered the feasibility of terminating Sikorsky's contracts for the convenience of the Government. However, in view of the need which exists for these long lead time items used in support of Search and Rescue and helicopter overhaul programs, we do not believe it would be in the Government's best interests to disturb these awards.

*Atkinson*  
Deputy Comptroller General  
of the United States