DECISION

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

27012

FILE: B-209884.2 DATE: December 12, 1983

MATTER OF: Hill Industries, Inc.--Request for Reconsideration

DIGEST:

Request for reconsideration of decision that an offer to furnish surplus parts was properly rejected is denied where the protester does not show any error of law or fact in the decision that warrant reversal.

Hill Industries, Inc. requests reconsideration of our decision, Hill Industries, Inc., B-209884, August 24, 1983, 83-2 CPD 246, in which we denied the firm's protest regarding the Air Force's rejection of its offer to furnish 2,308 surplus roller bearings under solicitation No. F34601-82-R-43329. In that decision, we concluded that in the absence of complete historical data on the surplus parts, the Air Force was not unreasonable in its concern that the parts could not be inspected adequately without incurring damage to critical surfaces. Hill now asserts that it did indeed furnish complete historical data on the parts, and continues to urge that inspection without damage is possible. We see nothing in the firm's request for reconsideration, however, to cause us to reverse our prior decision.

Hill asserts that it submitted sufficient historical data on the surplus bearings, which are 12 to 18 years old, to satisfy Defense Acquisition Regulation § 7-104.49 (1976 ed.), which states that an offeror of former government surplus property must include with the offer a complete description of the items, the quantity to be used, the government source, and the date of acquisition. The data that Hill provided consisted of six contract numbers from 1964-69 when the bearings allegedly were purchased by the government, and four surplus sale numbers from 1972-73. Nothing in that data, however, establishes that the bearings had been appropriately inspected during the course of original manufacture and had been accepted by the government as conforming (or why the bearings were sold as surplus). As we noted in our August 24 decision, the Air Force has been unable to locate its original files on the contracts listed by Hill, probably because they were disposed of pursuant to

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standard record-keeping procedures. Hill now urges that the firm should not be held at fault for the lack of such information. In our view, however, it was Hill's ultimate responsibility to secure complete documentation concerning the history of the bearings since they were shipped from their original place of manufacture, especially if it expected the government to repurchase the surplus parts.

Hill also contends that the term "non-separable" as used in our August 24 decision to describe the bearings merely means, in industry terms, that the bearing rollers will not fall out unless the bearing is disassembled, not that the bearings cannot be disassembled and reassembled for inspection purposes without incurring damage to critical surfaces. In this respect, we noted the Air Force's argument that the indication on the manufacturer's source control drawing that the bearings were "non-separable" supported the agency's view of the impracticability of disassembly for inspection.

Regardless of the dispute over terminology, we cannot find unreasonable the Air Force's judgment that disassembly for inspection is not feasible. As we pointed out in our prior decision, the Air Force also furnished advice from the original manufacturer and Air Force technical personnel that the bearings cannot be inspected satisfactorily without incurring unacceptable damage. As nothing in Hill's latest submission invalidates the Air Force's evidence or judgment, the firm still has not met its burden of proof in this dispute. See Willis Baldwin Music Center, B-211707, August 23, 1983, 83-2 CPD 240.

In its original protest, Hill had asked us to conduct our own examination of three bearing samples the firm submitted, and Hill now questions why our August 24 decision did not reflect the result of that examination. We did not know that these three samples were representative of the physical condition of the 2,308 surplus bearings manufactured 12 to 18 years ago; nor were we able to conclude that the Air Force's stated need for a much more thorough inspection was unreasonable. We see no reason to alter our opinion.

In our August 24 decision, we concluded that the Air Force was not unreasonable in its concern about the absence of adequate historical data on the surplus items Hill offered, or in its judgment about the impracticability of disassembling the bearings for inspection. Hill has not shown any error of law or fact in that decision that warrants its reversal. See 4 C.F.R. § 21.9 (1983). Our decision therefore is affirmed.

for Milton J. Socolar
Comptroller General
of the United States