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George Ruppert  
Proc. I

**DECISION**



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

**FILE: B-15 76**

**DATE: February 15, 1977**

**MATTER: Jets Services, Inc.**

**DIGEST:**

Navy's failure to solicit firm on reprocurement was reasonable where performance on defaulted contract was to begin morning after default as there was doubt as to firm's ability to timely commence performance and insufficient time for preaward survey.

Jets Services, Inc. (Jets), protests the award to Military Base Management, Inc., of a contract by the Naval Regional Procurement Office (NRPO) under request for proposals (RFP) N00161-5182-3401, issued on May 4, 1976. This RFP was issued in order that reprocurements, necessitated by the termination for default of contract No. N00503-76-C-0061, might be made. The defaulted contractor, Viet-My, Inc., was awarded the contract on December 19, 1975, for the furnishing of mess attendant services at the United States Naval Academy. Viet-My was fifth low bidder under the formally advertised solicitation which led to award of the contract. Jets was the sixth low bidder under the IFB.

Jets contends that the NRPO improperly failed to afford its firm an opportunity to submit an offer for the reprocured services stating that its firm was the logical source for negotiation since it was the next low bidder under the original IFB. Jets contends that it was unreasonable for the Government not to solicit its firm for the repurchase contract. Jets also states that the Government has not fulfilled its obligation to the defaulted contractor to mitigate damages since the contracting officer negotiated with the eighth and ninth low bidders and totally ignored the sixth and seventh low bidders.

The contracting officer reports that Jets was not solicited for the reprocurement because representatives of the Naval Academy and the Navy Food Services reported to the NRPO contracting officer that Jets had experienced extreme difficulties in startup of performance at Fort Carson, Colorado, in addition to having general performance problems at the

B-186596

Naval Station, Mayport, Florida, and there was insufficient time to perform a preaward survey on Jets as the new contractor had to start performance the morning following termination of Viet-My's contract.

The Navy reports that to assure there would be no break in services at the Midshipmen Wardroom, a new contractor had to be obtained the same day that Viet-My was defaulted in order to provide service at breakfast the following day. Therefore, we conclude that the Navy's urgent need to reprocur the services, the Navy's concern regarding Jets' difficulties experienced on its contracts at Fort Carson and Mayport, Florida, and the insufficient time to perform a preaward survey on Jets constituted reasonable bases for not including Jets in the resolicitation.

Accordingly, Jets' protest is denied.

*ADK*  
Deputy Comptroller General  
of the United States