



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

30945

N-177301

May 21, 1973

Wachtel, Wiener & Ross
Suite 1230
5533 Wisconsin Avenue
Chevy Chase, Maryland 20015

Attention: Glade F. Flate, Esq.

Gentlemen:

Reference is made to your letter of April 17, 1973, and prior correspondence, protesting on behalf of Aeronautical Instrument & Radio Co. (AIRCO), against the award of a contract to the Astronautics Corp. of America (Astronautics) under invitation for bids (IFB) SSSA H00383-73-B-0074, issued by the United States Navy Aviation Supply Office (ASO), Philadelphia, Pennsylvania.

The IFB solicited bids on seven step ladder quantities of bearing-distance-heading indicator ID663C/U and related data. The terms of the IFB restricted award to companies furnishing products qualified under military specification MIL-I-22075A. As of the bid opening date, two firms, AIRCO and Astronautics, were on the qualified products list (QPL) 22075-11 dated May 20, 1971, for the subject indicators. The bids received from AIRCO and Astronautics were \$434,598.46 and \$399,438, respectively.

On October 20, 1972, you protested on behalf of AIRCO that Astronautics was not properly qualified and therefore should not be considered for award as the test which was performed on the Astronautics indicators was not the proper one for qualification as a qualified product. While your protest was pending, ASO made the requisite determinations required by paragraph 2-407.8(b)(3) of the Armed Services Procurement Regulation to make award to Astronautics based on urgency and on March 1, 1973, the contract was awarded.

QPL 22075-11 of May 20, 1971, shows that Astronautics was qualified under report Q5/C68-266 dated March 26, 1968, based on tests conducted by the Naval Ammunition Depot, Crane, Indiana. You point out that this test was a quality conformance inspection (examinations and tests performed on indicators manufactured and submitted for acceptance under a contract) under military specification MIL-I-22075A rather

Protest of Navy Contract Award
09/920 418320

than a qualification inspection (examinations and tests performed on sample indicators submitted for approval as a qualified product), the latter being required for QPL inclusion.

While the test which is cited on the QPL was a quality conformance inspection rather than a qualification inspection, our Office has been advised by ASO that Astronautics has also met the qualification inspection required under MIL-I-22075A.

The reason test report QS/C68-266 was cited on the QPL, according to ASO, was that it was the latest test performed on Astronautics' equipment. However, ASO explains that qualification tests were performed under a prior contract to furnish 5,111 indicators awarded on March 14, 1966. As no manufacturer was on the QPL at that time, QPL approval was waived and first article testing was included in lieu thereof. As part of the first article testing, Astronautics had the QPL tests required by MIL-I-22075A performed on three samples which passed the tests. As a result, Astronautics requested both first article and QPL approval. On the basis of the satisfactory results in the test report under the March 1966 contract and the subsequent Naval Ammunition Depot report, Astronautics was placed on the QPL.

Since, contrary to your contention, the qualified product listing was based upon qualified product testing, the protest is denied.

Sincerely yours,

Paul G. Deabling

For the Comptroller General
of the United States