

Protest of ) Date: July 13, 1987  
GAGE CONSTRUCTORS )  
Solicitation No. 07-2358-87-A-0002 ) P.S. Protest No. 87-11

### DECISION

Gage Constructors (Gage) timely protests the award of a contract pursuant to Solicitation No. 07-2358-87-A-0002 to the low bidder, Preservation Specialties, Inc., (PSI).

Invitation for Bids (IFB) No. 07-2358-87-A-0002 for roof repairs at the Denver Terminal Annex was issued by the Denver Division, Support Services-Facilities Office, November 25, 1986, with bids due December 12. The project required installation of a mechanically fastened single-ply roofing system and the repair and/or replacement of the flashing and insulation.

Section 07000 of the General Provisions stated the minimum experience requirement of the roofing installation firm:

Installer: A firm with not less than 3 years of successful experience in installation of roofing systems similar to those required for this project and which is acceptable to or licensed by manufacturer of primary roofing materials.

Bids were opened December 12, and Gage was the third low bidder, at \$174,800. PSI's bid was \$145,997, and Cameron Waterproofing Co. (Cameron) was second low at \$165,700. On December 23, the Postal Service project manager and Mr. Lounsberry, a representative of Duro-Last, the manufacturer of the roofing materials, discussed PSI's experience in roof installation. A record of the conversation indicates that Mr. Lounsberry had investigated PSI, and had found that PSI had over five years of experience with the installation of single ply roofing. Mr. Lounsberry also advised that Duro-Last inspectors would be on the job to insure that the roof would be installed per Duro-Last's specifications. On January 5, 1987, the contracting officer received a letter from Roger Gage, protesting that PSI and Cameron failed to meet the requirements of Section 07000 of the specifications.<sup>1/</sup> Mr. Gage specifically alleged that PSI did not

<sup>1/</sup>In response to the protest letter of January 5, the contracting officer sent a letter to the protester requesting that he specify the solicitation number and project title so that the protest could be properly

meet the "single ply roofing requirements for the three year roofing experience requirement", and that Cameron "has not done any single ply roofing at all."

On January 8, Bruce Larson of Pahl-Pahl-Pahl Architects/Planners, the architectural firm hired by the Postal Service to supervise this contract, sent a letter to the project manager stating:

This is to confirm our telephone conversation on January 6, 1987 concerning the required experience of the roofing contractor for the above referenced project.

Per our conversation, it is our interpretation that the three years of experience, which is required by the specifications, is in reference to flexible sheet roofing (single ply) in general, and not necessarily mechanically attached flexible sheet roofing.

The project manager's January 7th recommendation on thereroofing stated:

Based on an A/E interpretation of required 3 years experience, the contractor meets this requirement. He has more than 3 years experience with an application of a single ply roofing system.

On February 2, this protest was referred to this office for resolution, pursuant to Postal Contracting Manual (PCM) 2-407.8e.

On February 10, after it had been determined that a delay in the award of the contract could disrupt mail distribution in the Denver area, the contract was awarded to PSI.

The solicitation at issue includes definitive experience criteria relating to the bidder's experience in installing single ply roofing systems. Specific criteria of responsibility serve the purpose of assuring that the selected contractor is one which, having previously demonstrated competence in the performance of the specified services for the specified periods, may be expected to be competent in the performance of the contract work. These special definitive standards establish objective, specific requirements which a bidder must meet to be considered responsible. Abco Peerless Sprinkler Corp., P.S. Protest No. 84-50, August 24, 1984.

An affirmative determination of responsibility is a matter within the broad discretion of the contracting officer and is not subject to being overturned by this office in the course of a protest absent fraud, abuse of discretion, or failure to apply definitive responsibility criteria. Logan Co., P.S. Protest No. 83-1, February 9, 1983. Fraud and abuse of discretion have not been alleged here and would not be supported by the record.

When a protester alleges misapplication of definitive responsibility criteria, review is limited to determining whether the Postal Service had before it the information from which it could have reasonably determined that the criteria were met. Power Systems

evaluated. The protester furnished this information in a letter received by the contracting officer on January 9.

Comp. Gen. Dec. B-210032, 83-2 CPD & 232 (1983); accord Elco Elevator Corporation, Comp. Gen. Dec. B-213519; B-213519.2, 84-1 CPD & 197 (1984). Evidence has been submitted by the contracting officer which reasonably indicates that PSI meets the requirements of Section 07000. Duro-Last investigated PSI and found that PSI had five years experience in the installation of single ply roofs. No evidence has been submitted by the protestor which would indicate that PSI did not meet that experience requirement.

Accordingly, for the reasons mentioned above, we find that PSI did meet the definitive criteria of responsibility required by the solicitation.

This protest is denied.<sup>1/</sup>

William J. Jones  
Associate General Counsel  
Office of Contracts and Property Law

**[Compared to original 2/23/93 WJJ]**

<sup>2/</sup>Because we have upheld the contracting officer's determination of responsibility for PSI, we need not discuss whether Cameron was responsible.