

HERITAGE REPORTING CORPORATION

Official Reporters
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July 22, 1987

Timothy Hagan
Contracting Officer
Division of Contracting
Nuclear Regulatory Commission
Room 2223
4550 Montgomery Avenue
Bethesda, Maryland 20814

Re: Agency Protest Under Solicitation No. RS-ASB-87-342

Dear Mr. Hagan:

Although we have made several telephone inquiries regarding the posting of the bid documents submitted for Solicitation No. RS-ASB-87-342, we have not as of this date had the opportunity to review the documents for deficiencies.

On July 21, 1987 we were advised that the bid documents would not be posted except for the successful bidder. Also on July 21, 1987 we were advised that a formal protest had been filed by Ace Federal Reporters, Inc. concerning the bids submitted for the solicitation.

At this time we request a copy of Ace Federal's letter dated July 16, 1987 and corresponding documentation, a copy of Riley's bid guarantee and any other correspondence concerning the protest or subsequent responses to the protest.

We understand from Ace Federal's protest that Ann Riley and Associates, Ltd. submitted a defective bid bond which expires short of the mandatory bid acceptance period. We were advised by your office this date that in fact, the Riley bid bond expires September 30, 1987, six days short of the mandatory minimum acceptance period of 90 calendar days as required by the government.

Based on clause 52.214-16(a-f) which states "A bid allowing less than the Government's minimum acceptance period will be rejected," Heritage Reporting Corporation hereby formally protests any decision to make award to Riley.

To further reinforce our protest we cite "Failure to provide a bid bond effective for the entire bid acceptance period renders a bid nonresponsive," (Formation of Government Contracts, p. 427 (1986 ed.)).

Page 2

Additionally, we have enclosed two representative decisions, McNamara-Lunz Warehouses, Inc.; Central Moving and Storage, Inc., B-188100 and Control Central Corporation; American Technical Services, Inc., B-214466.2, B-214466.3, issued by the Comptroller General of the United States as attachments to our protest.

In response to the Ace protest that Heritage is not a small business, we submitted to your office on July 21, 1987 the Small Business Administration June 26, 1987 ruling that Heritage is a small business concern for the purpose of this procurement.

If you need any further documentation or information concerning Heritage, please call.

As the lowest responsive and responsible bidder, the contract should be awarded to Heritage Reporting Corporation.

Sincerely,

Teri A. Benson

Teri A. Benson
President