



United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Latvian Connection General Trading and Construction, LLC

File: B-409569

Date: May 8, 2014

Keven L. Barnes, Latvian Connection, LLC, for the protester.
Scott N. Flesch, Esq., Capt. Anthony F. Schiavetti, Department of the Army, for the agency.
Mary G. Curcio, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that agency failed to provide a restricted access electronic bid box for the submission of quotations is denied where procurement is not being conducted using FAR part 14 sealed bid procedures.

DECISION

Latvian Connection General Trading and Construction, LLC, of Kuwait City, Kuwait, protests the Department of the Army's issuance of request for quotations (RFQ) No. W912PB-14-T-3058, for unmanned aerial vehicle runway materials, including gravel and geotextile for use at the Adzai Military Training Center near Riga, Latvia.

We deny the protest.

The RFQ was issued by the Army Expeditionary Contracting Command in Grafenwoehr, Germany on March 3, 2014, using commercial item and simplified acquisition procedures contained in Federal Acquisition Regulation (FAR) parts 12 (commercial items) and 13 (simplified acquisition procedures). Agency Report at 2. Quotations were due on March 26. The solicitation provided that quotations could be submitted via facsimile transmission, hand delivery, or e-mail to the contracting specialist identified in the solicitation. RFQ at 3.

Latvian protests that the agency has not established a restricted access electronic bid box in accordance with Federal Acquisition Regulation (FAR) § 14.401 to receive bids.

FAR §14.401 requires all bids received before the time set for bid opening remain in a locked bid box, a safe, or in a secured, restricted-access electronic bid box. This provision of the FAR, however, is applicable to procurements being conducted using FAR part 14 sealed bid procedures. FAR §14.000. Here, the Army is not conducting the procurement using FAR part 14 sealed bid procedures to solicit bids. Rather, the Army is soliciting quotations using FAR parts 12, and 13. Accordingly, the Army is not required to establish a bid box.

Latvian has not provided any information which demonstrates or suggests that the agency is prohibited from accepting quotations submitted in response to a procurement conducted under FAR parts 12 and 13 by fax, hand delivery, or e-mail to the address of a specified contract specialist. Further, to the extent that Latvian believes the quotations are not being properly secured the Army notes that only the contracting specialist has access to his e-mail box, which is secured using a common access card, the fax machines are in a secure, locked building, and visitors must be escorted within the building. AR at 3. Accordingly, there is no basis here to find that the agency is improperly accepting quotations, or failing to secure them.¹

The protest is denied.

Susan A. Poling
General Counsel

¹ In its initial protest Latvian also complained that: (1) the solicitation did not provide details as to where performance was to take place, and (2) part of the solicitation was translated into German. The agency responded that it amended the solicitation to include details on the location for performance, and that while some portions of the solicitation were translated into German, the entire solicitation was provided in English and offers were required to be submitted in English. Since Latvian did not address the Army's response in its comments we consider these issues abandoned. Liberty Street East Associates, B-299486.3, June 15, 2007, 2007 CPD ¶ 112.