Protest of	)	Date: August 12, 1992
	)	
PLASTER TRUCKING	)	
	)	
Solicitation No. 552-47-92	)	P.S. Protest 92-55

DECISION

Plaster Trucking (Plaster) timely protests the determination of the Manager, Twin Cities Transportation Management Center (TMSC), that Plaster is a nonresponsible prospective contractor under Solicitation 552-47-92 for highway transportation service between St. Paul, MN and Chicago, IL.

The solicitation was issued on April 13, 1992. Bids were opened on May 13. The low bidder was found to be nonresponsible. Plaster was the second low bidder. The contracting officer found Plaster to be nonresponsible due to its poor performance record on Highway Contract Route 55030, St. Paul, MN - Randolph, MN. Plaster protested initially to the contracting officer, who on June 26, rejected Plaster's protest as being obviously without merit. On June 29, Plaster filed an appeal with the contracting officer who forwarded the matter to this office for resolution pursuant to Procurement Manual (PM) 4.5.6.

The contracting officer found Plaster nonresponsible pursuant to PM 3.3.1 b.3 which provides in pertinent part, that a prospective contractor must "[h]ave a good performance record." The contracting officer contends that Plaster's poor performance record on another contract, including late operations, omitted service, security violations, unsatisfactory vehicle equipment, failure to provide workman's compensation, and misdelivered mails, justifies a finding of nonresponsibility. The contracting officer advises that the service to be provided under Solicitation 552-47-92 is of an extremely important nature as the route involves transporting Priority Mail and two-day first-class mail daily between the Twin Cities Division (Twin Cities AMF, St. Paul GMF, Minneapolis GMF) and the Chicago Division (North Suburban Facility, South Suburban Facility, Chicago AMF, O'Hare AMF).

There is a procedural problem with Plaster's protest. Our protest regulation, PM 4.5.3, states that:

> [a protest] must ... set forth a complete statement of the alleged defects or grounds that make the solicitation terms or the award or proposed award defective. Mere statement of intent to file a protest is not a protest.

We cannot consider the protest here because it is devoid of allegations or argument as to why the contracting officer's determination is erroneous. See Protest of Jack L. Vandergriff, P.S. Protest No. 90-37, August 10, 1990. We comment briefly, however, on the central point of the protest to the contracting officer.

> A responsibility determination is a business judgment which involves balancing the contracting officer's conception of the requirement with available information about the contractor's resources and record.... [W]e will not disturb a contracting officer's determination that a prospective contractor is nonresponsible, unless the decision is arbitrary, capricious or not reasonably based on substantial information.

Craft Products Company, P.S. Protest No. 80-41, February 9, 1981.

Recent poor performance on another contract route is sufficient to support a nonresponsibility determination. Protest of Ron Garson d/b/a Ron's Trucking, P.S. Protest No. 91-33, July 15, 1991; Protest of Mike and Candace Russell, P.S. Protest No. 91-13, May 6, 1991; Protest of Package Express, Inc, P.S. Protest Nos. 87-57, 87-58, 87-64, July 27, 1987; Protest of Hunter L. Todd, P.S. Protest No. 85-78, October 18, 1985; Protest of Bathey Manufacturing Co., P.S. Protest 82-7, March 31, 1982.

The protest is dismissed.

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