

Protests of) Date: May 13, 1988
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AHJ TRANSPORTATION, INC.)
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Solicitation Nos. 380-14-88 and) P.S. Protest Nos. 88-26
021-019-88) and 88-27

DECISION

AHJ Transportation, Inc. (AHJ) timely protests the determinations of contracting officers that it is an ineligible bidder on two solicitations for mail transportation contracts.

Solicitation No. 380-14-88, for highway transportation service between Nashville, TN and Hendersonville, TN, was issued by the Memphis Transportation Management Service Center (TMSC) on February 22, 1988. Solicitation No. 021-019-88, for highway transportation service between Vineyard Haven, MA and Edgartown, MA, was issued by the Boston TMSC on February 26, 1988. AHJ was the second-low bidder under both solicitations; however, both low bidders were determined to be nonresponsive. The contracting officers found AHJ ineligible for award for both solicitations because Austin Hatcher, Jr., who signed AHJ's bid as president of the company, is currently listed as a debarred party on the Consolidated List of Debarred, Suspended and Ineligible Contractors (Consolidated List) maintained by the General Services Administration (GSA).

AHJ argues that Mr. Hatcher's name appears on the Consolidated List in error. AHJ was debarred for three years as a result of proceedings before the Department of Labor (DOL) under the Service Contract Act of 1965, 41 U.S.C. ' 351, et seq. AHJ alleges that the term of Mr. Hatcher's debarment should have expired, and that his name appears on the Consolidated List only because of improper delay by DOL in placing his name on the List.

The facts of these cases, and the arguments presented by AHJ, are essentially those presented in AHJ Transportation, Inc., P.S. Protest Nos. 88-18 and 88-19, May 12, 1988. There we concluded that the Postal Service is prohibited from awarding contracts to AHJ by 41 U.S.C. ' 354(a), which provides, in pertinent part, as follows:

Unless the Secretary [of the Department of Labor] otherwise recommends because of unusual circumstances, no contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have a substantial interest until three years have elapsed from the date of publication of the list containing the name of such persons or firms....

Accordingly, the Postal Service is presently precluded from contracting with AHJ. The protests are denied.

William J. Jones
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[checked against original JLS 2/24/93]