

Protest of) Date: May 25, 1988
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 AHJ TRANSPORTATION, INC.)
)
 Solicitation No. 200-28-88A) P.S. Protest No. 88-30

DECISION

AHJ Transportation, Inc. (AHJ) timely protests the determination of the contracting officer that it is a nonresponsible bidder on a solicitation for a mail transportation contract.^{1/}

Solicitation No. 200-28-88A, for highway transportation service between Richmond, VA and Greensboro, NC, was issued by the Washington Transportation Management Service Center (TMSC) on March 10, 1988. Bids were opened on April 12, and AHJ was low. On April 14, the contracting officer found AHJ nonresponsible 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 this case, and the arguments presented by AHJ, are essentially those presented in AHJ Transportation, Inc., P.S. Protest Nos. 88-18 and 88-19, May

^{1/} Pursuant to PCM 1-603, a bidder debarred by the Department of Labor should be found ineligible to bid rather than nonresponsible. The distinction has no bearing on the outcome of this case.

12, 1988. See, also AHJ Transportation, Inc., P.S. Protest Nos. 88-26 and 88-27, May 13, 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 protest is denied.

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

[checked against original JLS 2/24/93]