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**Comptroller General  
of the United States**

Washington, D.C. 20548

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## **Decision**

**Matter of:** Integrity International Security Services, Inc.

**File:** B-276012

**Date:** May 1, 1997

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Joel S. Rubinstein, Esq., Bell, Boyd & Lloyd, for the protester.  
Richard E. Hurst, Esq., General Services Administration, for the agency.  
Behn Miller, Esq., and Christine S. Melody, Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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### **DIGEST**

Protest that minimum experience requirement--requiring offerors to have completed two security guard contracts of at least 175,000 hours--is unduly restrictive of competition is denied since the magnitude and nature of the procurement--particularly, the safety concerns caused by recent terrorist events--reasonably justify the restriction in order to ensure that contractors have a minimally adequate track record of past performance with comparable security guard projects.

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### **DECISION**

Integrity International Security Services, Inc. protests the terms of request for proposals (RFP) No. GS-11P-96-MPC-0510, issued by the General Services Administration (GSA) for security guard services at the Ronald Reagan Building in Washington, D.C. The protester contends that the RFP's minimum experience requirement--which limits eligibility for award to those offerors who, within the past 5 years, have performed two similar security guard contracts involving at least 175,000 hours each--is unduly restrictive.

We deny the protest.

When completed, the Ronald Reagan Building will be the second largest federal office building in the United States.<sup>1</sup> As specified in the solicitation, GSA estimates that the facility will require approximately 350,000 security guard hours per year--which is one of the largest security guard service requirements in the industry.

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<sup>1</sup>The Ronald Reagan Building will house the United States Customs Service, the Agency for International Development, the Environmental Protection Agency, an international trade center, and numerous private offices and retail shops.

The challenged minimum experience requirement, which is set forth as an evaluation factor at section M of the RFP, provides in pertinent part as follows:

". . . each offer[or] must demonstrate performance of at least **two (2)** contracts of a similar size and nature within the past **five (5)** years. [Emphasis in original.] . . . . A contract is comparable in size if the required manhours are equivalent to or greater than 50 [percent] of the productive hours required by this solicitation." [Emphasis added.]

The solicitation also provides that failure to meet this "minimum" experience requirement "will render the offer technically unacceptable."

GSA concedes that the minimum experience provision prevents Integrity from competing; however, the agency maintains that the provision is unobjectionable because the restriction is necessary to protect human life and safety. GSA reports that it typically requires security guard service competitors to demonstrate successful performance of at least one similar security guard contract involving labor hours equivalent to 80 percent of a solicitation's labor hour estimate; however, in this case, because the RFP's labor hour estimate--350,000 hours--is so high, GSA lowered the minimum experience requirement to 50 percent of the RFP's stated labor hour estimate--175,000 hours. Since this reduction was made to foster competition, and since GSA is aware of 11 federal and 18 other security guard service contracts which would satisfy the experience requirement, GSA argues that the minimum experience requirement is not unduly restrictive and that the protest should be denied.

Integrity argues that the current eligibility provision is unduly restrictive because it prevents responsible sources with comparable large security guard contract experience--such as Integrity--from competing. In this regard, Integrity explains that because it has successfully performed one comparable 175,000-hour project, the firm possesses the necessary large contract experience, competence, and management expertise to successfully fulfill the agency's needs in this procurement. As relief, Integrity requests that the agency amend the solicitation either to permit consideration of offerors who have performed only one comparable 175,000-hour security guard contract, or, alternatively, to replace the current go/no-go minimum experience requirement with an open-ended provision that provides for a comparative evaluation of each offeror's past experience.

Under the Competition in Contracting Act of 1984 (CICA), an agency is required to specify its needs and solicit offers in a manner designed to achieve full and open competition, so that all responsible sources are permitted to compete. 41 U.S.C. § 253a(a)(1)(A) (1994). A contracting agency may include restrictive provisions or conditions only to the extent necessary to satisfy the agency's needs. 41 U.S.C. § 253a(a)(2)(B). As GSA correctly points out, contracting agencies have discretion

to use restrictive provisions where, as here, the solicitation requirement relates to safety concerns, provided that the agency establishes that the challenged restriction is necessary to ensure the highest level of reliability and effectiveness. Harry Feuerberg & Steven Steinbaum, B-261333, Sept. 12, 1995, 95-2 CPD ¶ 109 at 3.

In view of the size and unique character of the Ronald Reagan Building, as well as the threat posed to government buildings in the aftermath of the bombing of the Murrah Federal Building in Oklahoma City, GSA was clearly reasonable in giving enhanced attention to the security of the building and its occupants. In light of this concern for security, GSA appropriately wanted the security guard service contractor to demonstrate a minimum level of experience with contracts of a similar size and nature. Initially, GSA had called for the offeror to demonstrate that it had performed at least four comparable contracts in the past 3 years. In order to enhance competition, however, the contracting officer made a series of revisions which successively reduced the restrictiveness of the minimum qualification requirement as follows: four contracts in the past 3 years; three contracts in the past 3 years; and finally two contracts in the past 5 years. The contracting officer considered the current version of the minimum qualification requirement--two contracts in the past 5 years--to be the absolute minimum for ensuring an offeror's ability to perform. The contracting officer also reduced the solicitation's original definition of "comparable contract" from the GSA norm of 80 percent of the productive hours required in the solicitation to 50 percent of the productive hours.

While GSA did not articulate the basis for the restriction as clearly as we would have preferred, given the circumstances discussed above, we have no basis to question the agency's position that, to demonstrate a "minimally adequate track record," an offeror must show repeated successful performance of a comparably sized project a second time in 5 years. This is particularly so since such contracts are only 50 percent of the labor hours actually required. Further buttressing our conclusion that the requirement is not overly restrictive is the fact that GSA received 12 timely offers complying with the experience requirements.

Considering the size of the government building involved (the largest in the District of Columbia and the second largest in the country), the 350,000 annual labor hour estimate (among the largest in the industry), and the clear threat to federal office buildings, we are not prepared to say that the current minimum experience requirement--two projects in the past 5 years--is unreasonable.

The protest is denied.

Comptroller General  
of the United States