

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-190993

DATE: September 11, 1978

MATTER OF: Washex Machinery Corporation

DIGEST:

GAO will not disturb solicitation where agency shows that reasonable basis exists for limiting solicitation to "pass-through" washer-extractors and evidence does not indicate that "pass-through" equipment exceeds Government's minimum needs.

Washex Machinery Corporation (Washex) protests the award of any contract for laundry equipment under the Veterans Administration (VA) solicitation No. M2-14-73. The essence of Washex' protest is that by specifying only one type of washer-extractor, VA has unduly limited competition by excluding the type of machine manufactured by Washex.

Four bids were received in response to the subject IFB. Two bids, including one from the protester, were determined to be nonresponsive. One of the two responsive bidders has been determined to be a large business and thus ineligible for this procurement, which was set-aside for small business.

VA specified "pass-through" washer-extractors for its hospital in Albuquerque, New Mexico. This equipment is loaded on one side and is unloaded on the other. Such equipment, when installed in a wall or partition between two rooms, allows the loading of soiled laundry in one room and the unloading of clean laundry in the adjacent room.

To justify the requirement for "pass-through" washer-extractors, VA pointed to the particular circumstances of its Albuquerque, New Mexico hospital. With that facility's present laundering system, VA has been having trouble keeping the soiled laundry sufficiently isolated from the clean laundry. Consequently, its aim in specifying "pass-through" equipment is to reduce, as much as practicable, contamination of the clean laundry by direct contact with and airborne bacteria from the soiled laundry. VA plans to do it by dividing the present open bay laundry area with an impervious sealed partition and installing "pass-through" washer-extractors in the partition. Once in operation, the system, in VA's view, will preclude the clean laundry from being contaminated by contact with and airborne bacteria generated from the handling and storage of soiled linens. It will have an added benefit of lessening the chances of contamination of clean laundry by workers assigned to sorting and loading the soiled laundry.

First, Washex questions whether "pass-through" equipment could be justified as the only means to meet any hospital's minimum laundry sanitation needs.

Second, Washex believes that the VA limited the procurement to "pass-through" equipment because of a misunderstanding of the Joint Commission on Hospital Accreditation's (JCAH) requirements for hospital laundry sanitation.

Washex' first contention reflects what is apparently an ongoing controversy in the health care industry, i.e., whether "pass-through" laundry equipment should be used to the exclusion of all other types of laundry equipment and, if not, how much separation of soiled and clean laundry is minimally required. This controversy is fueled by the disagreement among experts regarding whether and to what extent hospital laundries contribute in any significant way to hospital acquired infections.

It is not this Office's function to resolve the question of the extent to which the operation of hospital laundries contributes to or ameliorates whatever bacteriological infection may be spread by soiled hospital linens. Nevertheless, VA has taken a position on the question which, in large measure, has influenced its decision to specify "pass-through" laundry equipment for its Albuquerque hospital. VA's position is generally consonant with that of the JCAH. (JCAH is a voluntary association of hospitals which sets standards to be met by its members. We are informed that VA hospitals are not required to be accredited by JCAH, but such accreditation is apparently relied upon by medical schools, for example, in determining whether their students can satisfy degree and post degree clinical practice requirements in VA hospitals.) There is, in VA's view, a sufficiently serious threat of clean linen contamination from soiled linen that a "functional" separation must be maintained between soiled and clean laundry. We note that Washex does not necessarily disagree with the premise that precautions must be taken to insure that clean or sanitary laundry is not recontaminated by exposure to soiled laundry. Washex agrees with VA and JCAH that hospital laundries should maintain a "functional" barrier between soiled and clean linens. Rather, it is Washex' contention that "pass-through" laundry equipment is not the only means by which such a functional barrier may be maintained.

In support of its contention Washex cites an Assistant Director of the Bureau of Epidemiology, Center for Disease Control (CDC), Public Health Service, Department of Health, Education and Welfare, as stating that "pass-through" laundry equipment is not a minimum construction or equipment requirement of the Public Health Service. It also points out that an Associate Director of JCAH has said that there is no JCAH requirement for laundry machines loaded on one side of a wall and unloaded on the other. In our view, while neither CDC nor JCAH require "pass-through" laundry equipment, neither takes the position advocated by Washex that "pass-through" equipment can never be the only rational solution to the contamination problem.

Further, Washex contends VA misunderstood JCAH's requirements for a "functional" barrier and erroneously concluded that only a physical partition with "pass-through" equipment installed would meet JCAH's accreditation requirements. Washex bases its contention on language attributed to VA officials who, early in the procurement, stated that the JCAH had criticized VA for not having physical separation between clean and soiled linen handling and storage areas. Accordingly, Washex maintains that, because JCAH, in fact, requires only a "functional" barrier, VA has no rational basis for specifying a physical barrier in conjunction with "pass-through" laundry equipment.

We have reviewed the standards promulgated by JCAH and are not persuaded that they have any material bearing on what method VA may elect to separate its soiled and clean laundry. Essentially, JCAH's standards are result-oriented. That is, JCAH is not so much concerned with how cross contamination is prevented, but, rather, whether the practices and equipment used by a given laundry facility are sufficient to prevent such cross contamination.

We have recognized that procurement agencies are required to set forth specifications in terms that will permit the broadest field of competition within the minimum needs required and not the maximum desired. 32 Comp. Gen. 384 (1953). Specifications based only on personal preference or on a finding that a particular item has superior or more desirable characteristics in excess of the Government's actual needs are generally considered overly restrictive. Precision Dynamics Corporation, 54 Comp. Gen. 1114 (1975) 75-1 CPD 402.

VA states that it did consider alternatives to using a partition in conjunction with "pass-through" equipment. It ruled out these alternatives primarily because the configuration of the Albuquerque laundry facility did not lend itself to loading the machines by gravity or pneumatically. Washex does not argue with VA's conclusion that gravity or pneumatic loading was not feasible. It argues, essentially, that, had VA not specified "pass-through"

equipment exclusively, it could have proposed to meet VA's laundry sanitation requirements with the type of machine that it manufactures. In our view this argument, without more, does not meet the burden Washex must meet in order to prevail where it calls the agency's statement of its minimum needs into question.

The record shows that VA specified "pass-through" laundry equipment based on what appears to be a reasonable analysis of the circumstances and the laundry sanitation needs of its Albuquerque hospital laundry facility. Although Washex states that, if given the opportunity, it could have solved the soiled laundry contamination problem without using "pass-through" equipment, Washex did not offer to demonstrate how it would do so. This is not to say that an alternative to "pass-through" equipment is not practicable or feasible, but only that no such showing was made. Accordingly, we cannot find that VA's specifications were unduly restrictive with respect to the requirement for "pass-through" washer-extractors.

The protest is denied.


Deputy Comptroller General
of the United States