



**DECISION**

**THE COMPTROLLER GENERAL OF THE UNITED STATES**

WASHINGTON, D.C. 20548

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FILE: B-185418

DATE: March 12, 1979

*DLG 01223*

MATTER OF: Gardner Machinery Corporation; G. A. Braun, Incorporated - Request for Reconsideration

*CNG 02332*

DIGEST:

*[Decision That Solicitation Was Unduly Restrictive of Competition Not For Reconsideration]*

Prior decision of September 25, 1978, which held that solicitation was unduly restrictive of competition, is affirmed where request for reconsideration does not show that prior decision was based on errors of fact or law.

*orig contained this*

American Laundry Machinery Industries (American) requests reconsideration of our decision in Gardner Machinery Corporation; G. A. Braun, Incorporated, B-185418, September 25, 1978, 78-2 CPD 221, because of certain alleged factual errors contained in the decision. Our decision of September 25, 1978, which reversed our decision of September 15, 1976, 76-2 CPD 245, involving the same firms and issues, held that the Veterans Administration (VA) specifications for a shellless laundry wash system to be installed at the consolidated laundry, Veterans Administration Hospital, Salisbury, North Carolina, were unduly restrictive of competition. In reaching this decision, our Office concluded that Braun's "automated washer/extractor system" would have satisfied the Government's minimum needs and, therefore, the VA specifications which permitted only a "shellless" wash system were unduly restrictive.

*CNG 009: DLG 0122*

American contends that our decision is erroneous in stating that Braun's washer/extractor system is "automated" as that term is understood in the laundry industry and implies that Braun's system would not have satisfied the VA's requirements for the subject procurement. American states that Braun's system installed at St. Joseph's Hospital is not an "automated washer/extractor system" but is a monorail sling loading and unloading arrangement with several conventional pass through washer/extractors. American states that the laundry industry has never considered

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sling loaded washer/extractors to comprise an automated system. American further states that each step of Braun's processing from loading the washers through unloading the washers, transporting the slings to the tumbler, loading the tumbler and unloading the tumbler requires manual effort and is therefore not automatic and does not satisfy the VA's needs.

American refers to a November 15, 1976, report prepared by Wardco Systems for the VA in support of its view. The abstract of this report entitled "Comprehensive Analysis of VA Laundry Systems" states, in part:

"An automatic laundry system by any definition means automatic. If manual labor is required for loading and unloading from the soil removal equipment, then this is not an automatic laundry system."

The Wardco report in describing the system at Salisbury indicates that some manual effort is required for loading and unloading from the soil removal equipment. The VA's minimum needs for what it considers to be an automated washroom system are being adequately met by the system at Salisbury even though some manual effort is involved in the laundry operation.

In connection with the initial resolution of the subject protest, we visited the St. Joseph's Hospital in Loraine, Ohio, which contained a Braun "automated" washer/extractor system. We compared the Braun system with a shellless system located at the nearest VA Hospital. Our opinion was that the washer/extractor system installed at St. Joseph's provided efficient processing and that the physical exertion required for the laundry system was minimal. The Wardco report indicates that even the so-called "automatic" laundry systems require some manual labor. Our inspection of the washer/extractor system installed at St. Joseph's, as well as our reading of the Wardco report, leads to the conclusion that Braun's automated washer/extractor system demonstrated the degree of automation which VA considered part of its minimum

needs for an "automated washroom system." Our conclusion appears to be in agreement with the VA which furnished our Office with a letter dated October 18, 1978, in response to our decision of September 25, 1978. This letter states in part:

"In all VA procurements of laundry systems subsequent to Salisbury, we have recognized washer/extractors as equal to 'shellless' washers and have included provisions for either in our specifications. We believe therefore that corrective action to remove unnecessary restrictions to competition from our solicitations has already been instituted. Additionally, we have substantially increased internal controls to prevent the issuance of restrictive specifications."

American has submitted no evidence which would indicate that our decision of September 25, 1978, contained any error of fact or law. Therefore, we remain of the view that the VA's specifications contained in the solicitation in question were unduly restrictive of competition since the Government's actual needs could have been satisfied by other than a shellless system such as Braun's automated washer/extractor system.

Accordingly, our decision of September 25, 1978, is affirmed.

  
Deputy Comptroller General  
of the United States