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DECISION



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

FILE: B-203168

DATE: August 12, 1981

MATTER OF: International Business Investments

DIGEST:

Where solicitation for security guard services adequately explains agency needs and performance requirements, fact that agency has not detailed every facet of how performance is to be achieved does not render specification inadequate for competition.

International Business Investments (IBI) protests the award of any contract by the Department of the Army, Fort Benning, Georgia, for guard service under invitation for bids (IFB) No. DABT10-81-B-0006. IBI contends that the specifications need to be clarified and corrected in order to allow bidders to provide cost-effective bids. We find the IFB contained sufficient information to allow bidders to compete intelligently and on equal terms.

The IFB was for protective guard service for the ammunition supply and vehicle holding areas, funds transport, and school crossings at Fort Benning. The guard services are currently being performed by Government personnel. The Army indicates that the solicitation was issued as part of a comparative cost analysis to determine whether it is more economical to acquire the services from a commercial source. According to the Army, the specifications were designed to be performance oriented, allowing prospective contractors maximum flexibility to utilize their management techniques.

IBI requested information and clarification of the solicitation's requirements by a letter dated April 9, 1981. The Army answered each of IBI's comments and questions, pointed out relevant sections of the solicitation, and provided its supporting rationale. For example, in response to IBI's concern over whether the contractor

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must provide shoes to its employees, the Army referred the protester to the solicitation which stated: "The contractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual costs of the uniform." The contracting officer stated that it was his opinion that shoes were part of the uniform. The contracting officer, however, also noted that the uniform requirement was part of the Service Contract Act wage determination and directed IBI to the Department of Labor to resolve any doubts.

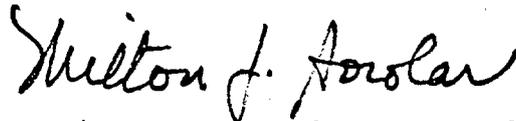
In answer to IBI's question whether all misdemeanors would disqualify employees, the Army referred the protester to paragraph 3.1 which stated that only misdemeanors involving crime against persons or moral turpitude would disqualify employees. IBI was also referred to the definition of moral turpitude provided in paragraph 2.14.

Similarly, the Army in response to IBI's concerns over the radio station operation referred IBI to paragraph 10, which stated that it was the contractor's responsibility to provide and operate a radio communication system. The contracting officer also noted that it was the bidder's responsibility to determine the manning necessary to operate the communications system in accordance with the security needs specified in the IFB. For example, certain services were required on a 24-hour, 7-day a week basis. In reply to the protester's concerns over liability for funds being transported, the Army answered that the contractor remains liable for funds until he receives a proper receipt for them.

The Army also reiterated to IBI that the solicitation specifications were "performance oriented." Performance oriented specifications attempt to address the desired results without specifying in detail the actual methods that may be employed to accomplish them. Thus, in responding to IBI's questions on vehicles, posts, and guards, the Army referred the protester to the results specified (certain areas had to be checked by personnel in vehicles every 2 hours, 7 days a week, with other specified areas on a different schedule) but indicated that it was up to the individual contractor to determine the numbers of personnel and vehicles needed to meet the requirements. The specification contained basic information, maps were furnished and site visits were encouraged to aid the bidders.

We believe the foregoing discussion illustrates the lack of merit to this protest. It is not necessary that the agency detail every facet of how performance is to be achieved, so long as it sets forth its minimum requirements in an unambiguous manner. From our own review of the IFB in conjunction with the various complaints asserted by IBI, we find that the specifications adequately explain the agency's requirements and are adequate for competition by formal advertising.

The protest is denied.

A handwritten signature in cursive script that reads "Milton J. Fowler".

Acting Comptroller General
of the United States