

Kratzer

19254

DECISION



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

FILE: B-202682

DATE: August 26, 1981

MATTER OF: Mid-Atlantic Industries, Inc.

DIGEST:

1. Where procuring agency has established prima facie support for reasonableness of allegedly restrictive specifications and protester has failed to demonstrate that specifications are arbitrary, protest that specifications are unduly restrictive is denied.
2. Where specification is reasonable and necessary, fact that only one or a few firms can meet it does not violate competitive procurement requirements.

Mid-Atlantic Industries, Inc. protests the rejection of the proposal it submitted in response to request for proposals (RFP) GSC-CDPXE-80-19-10-16-80 issued by the General Services Administration (GSA) for word processing equipment. Mid-Atlantic contends that the RFP unduly restricted competition. We disagree.

GSA issued the RFP for the rental of typewriter-oriented word processing equipment for its Office of Audits. GSA based the solicitation's requirements on the findings in a study of Audits' word processing needs. The RFP contains a number of mandatory specifications, including a requirement that the equipment possess "full page display capabilities, (allowing user to visually verify format of a page before print-out)." A full page display capability, as explained in amendment 3 to the RFP, means that the equipment can display on a screen an entire 8-1/2" x 11" page, including top, bottom and side margins. It thus allows the screen user to see what the hard copy will look like in its entirety. The RFP further explains that while the full page display also may show the preceding or subsequent page,

~~018215~~

116226

it must clearly distinguish that page by showing its top or bottom margin as well as the full view of the page being reviewed.

Mid-Atlantic's equipment does not possess full page display capability as described, since it does not display the top, bottom, left and right margins of an 8-1/2" x 11" page, and fails to adequately display in the required manner one page separately from the text of the preceding or subsequent page. Although Mid-Atlantic's equipment can print a full 8-1/2" x 11" page (66 lines), it can display only that portion of a page which appears in approximately 9 inches lengthwise (55 lines). The equipment automatically includes top, bottom, and side margins, as well as programmed headings and consecutive page numbers, on the printed copy.

Mid-Atlantic contends that the specification is unduly restrictive for a number of reasons. Mid-Atlantic argues that the display of all margins wastes expensive screen and storage disc space. Moreover, the firm contends, systems that display margins may, under certain editing circumstances, require the operator to delete blank spaces comprising margins, while the Mid-Atlantic system, with its "automatic" one inch margin, does not require such deletions. Additionally, since Mid-Atlantic's equipment automatically inserts page headings and numbers on each typed page, allegedly it is unnecessary to display them on the screen.

Generally, when a protester challenges a specification as unduly restrictive of competition, the procuring agency must establish prima facie support for its contention that the restrictions it imposes are needed to meet its minimum needs. Because the Government's contracting agencies are primarily responsible for determining the needs of the Government and the methods of accommodating such needs, once the agency establishes prima facie support, the burden is on the protester to show that the requirements complained of clearly are unreasonable. Constantine N. Polites & Co., B-189214, December 27, 1978, 78-2 CPD 437. We do not believe that Mid-Atlantic has made that showing here.

GSA explains that full page display enables the operator to view a reduced version of the typed page and make corrections and change format before printing a hard copy. Hence, GSA submits, this feature eliminates the necessity to retype a page or to make corrections on numerous carbon copies and, consequently, increases operator efficiency and productivity.

To completely meet the needs of Audits, claims GSA, the display must include the entire 8-1/2" x 11" page, inclusive of any margins. Unlike most other written materials produced by GSA, appendices to audit reports frequently extend beyond the standard 1 inch top and bottom margins, up to a full 66 typed line (11 inch) format. GSA estimates that 90 percent of its reports have at least one appendix. Although Mid-Atlantic points out that the GSA Correspondence Manual requires one inch margins, audit reports apparently are not subject to this requirement.

GSA also asserts that the accuracy, format and overall appearance of audit reports affect the credibility of the reports. Thus, GSA considers it imperative for the operator to view the entire page as it will appear in the hard copy to assure its accuracy and to determine whether the format is appropriate and whether the overall appearance enhances credibility.

As indicated above, the determination of an agency's minimum needs necessarily is the primary responsibility of the agency itself. The reason essentially is that it is the procuring officials who are most familiar with the conditions under which the supplies and services being purchased have been used or are to be used. See Tyco, B-199632, March 24, 1981, 81-1 CPD 220.

We believe that this is precisely the type of situation where we cannot object to an agency's judgment of its minimum needs. Although Mid-Atlantic's assertions may show that the firm's system is, in some respects, more efficient or less costly than that described in the amended RFP, they do not demonstrate that the full display requirement clearly is unreasonable. Rather,

we believe that it was a reasonable exercise of GSA's judgment to conclude that, notwithstanding any possible advantage to be gained by leasing a system with less than full page display, only a system which displays an entire page as it would appear on a printed copy meets the minimum needs of the Office of Audits for the reasons mentioned above.

Mid-Atlantic also contends that only one offeror will be able to meet the full page display requirement. GSA reports, however, that a number of firms with acceptable equipment responded to the RFP. In any case, we have consistently held that if a specification is reasonable and necessary, as we have concluded here, the fact that only one firm or a few firms can meet it does not violate competitive procurement requirements. See 45 Comp. Gen. 365 (1965); Gerber Scientific Instrument Company, B-197265, April 8, 1980, 80-1 CPD 263.

The protest is denied.



Acting Comptroller General
of the United States