

194017 Mr. Watherspoon

DECISION



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

FILE: B-202337

DATE: September 16, 1981

MATTER OF: AM International Services Division

DIGEST:

Protester has not met burden of showing that agency's requirements were in excess of minimum needs, unreasonable, or unduly restricted competition.

AM International Services Division (AM) protests the specifications for photocomposition and phototype-setting systems set forth in invitation for bids (IFB) F19628-81-B-0001, issued by the Electronic Systems Division, Air Force Systems Command (Air Force), Hanscom Air Force Base, Massachusetts.

AM contends that one specification understates the Government's minimum needs, several of the specifications will produce an inefficient system, and that several specifications are unduly restrictive of competition.

We have decided that the protest has no merit.

The determination of the Government's minimum needs, the method of accommodating them and the technical judgments upon which those determinations are based are primarily the responsibility of the contracting officials who are most familiar with the conditions under which the supplies and services have been used in the past and will be used in the future. On-Line Systems, Inc., B-193126, March 28, 1979, 79-1 CPD 208; METIS Corporation, 54 Comp. Gen. 612 (1975), 75-1 CPD 44. This is particularly the case when highly technical supplies or services are involved as is the case here. Therefore, our Office will not question agency decisions concerning those matters unless they are shown to be clearly unreasonable. Particle Data, Inc.; Coulter Electronics, Inc., B-179762; 178718,

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May 15, 1974, 74-1 CPD 257. A mere difference of opinion between the protester and the agency concerning the agency's needs is not sufficient to upset agency determinations. Julian A. McDermott Corporation, B-191468, September 21, 1978, 78-2 CPD 214. The protester has the burden of affirmatively proving its case. Reliable Maintenance Service, Inc. -- request for reconsideration, B-185103, May 24, 1976, 76-1 CPD 337.

Regarding restrictions on competition, while needs should be determined so as to maximize competition, we have held that requirements which limit competition are acceptable so long as they are legitimate agency needs, and a contract awarded on the basis of those needs would not violate law by unduly restricting competition. Educational Media Division, Inc., B-193501, March 27, 1979, 79-1 CPD 204.

According to AM, the IFB statement that camera processing will not be necessary in the typesetter output process understates the Air Force's minimum needs. AM contends that the requirement that the system be able to produce fine lines and fine print cannot be met without camera processing.

The reason for elimination of camera processing is to save man-hours and material costs. The Air Force response points out that AM's allegation is correct with regard to electro-mechanical typesetters because they use lenses, mirrors and rotary disks which may go out of alignment, thus producing a blurred image. However, the Air Force states that the digital typesetters, required here do not use that process and thus produce clear images without camera processing.

This is sufficient to justify the adequacy of the specification. In addition, the Air Force included an example of output produced without camera processing which was clear.

AM argues that two of the specifications will result in an inefficient system. According to AM, the requirement that the composer have a stylus and graphics tablet, as well as a keyboard, means that an operator must be capable of using both functions.

Additionally, AM contends that the requirement for two different sizes of pica type is inefficient.

The Air Force points out that the primary function of the composer is to compose "rules and boxes" and not to type text. According to Air Force studies, tablets and styluses are far faster in composing rules and boxes than are keyboards. The keyboards are necessary for the lesser amount of text typing. Regarding the requirement for two sizes of pica type, the Air Force submits that 90 percent of the work to be done requires a width of 45 pica and that paper of that width is less expensive than wider paper. The specification requires an option for 60-pica width for installations which may need it.

The agency has provided a reasonable basis for these requirements and AM has not met its burden of showing that the basis is unreasonable.

Finally, AM argues that several specifications are in excess of the Air Force's minimum needs and unduly restrict competition. While we have examined all of AM's objections, and find them to be without merit, we will discuss only a representative sample.

AM contends that the requirement for digital fonts, rather than mechanical fonts, is restrictive. The Air Force responds that digital fonts may be manipulated, while mechanical fonts may not, and that the ability to manipulate fonts is absolutely necessary to the purposes of the procurement. Also, a digital font can be recreated without additional cost for other uses, while a mechanical may not. Finally, mechanical fonts are subject to wear, while digital fonts are not. AM's response is that the Government should have permitted both types of fonts, but also included their relative cost as an evaluation factor.

The Air Force has provided sufficient justification for requiring digital fonts. Therefore, there would be no purpose in obtaining and considering the relative costs of the two kinds of fonts. Additionally, we have found that the lesser frequency of repair is a reasonable justification for requiring a particular

method of meeting a functional requirement. Educational Media Division, Inc., supra.

AM argues that the requirement that the system be able to produce 50,000 charts per year initially and be capable of expanding to a production level of 100,000 charts per year is a gross exaggeration of the Air Force's needs. In response, the Air Force provided a study showing that a total of 136,000 view graphs were produced in 1978, with 68,000 at one location. This adequately justifies the Air Force's requirement.

AM also contends that several of the graphics requirements are unnecessary and, therefore, restrictive. AM argues that font manipulation, having different weights for rules and boxes, the capability to display bold or italic artwork on a viewing screen, and the capability of "zooming" on the display area, is not needed by the Air Force. AM points to appendix I of the solicitation, which contains three sample words and symbol charts, and argues that those charts can be made without those capabilities.

The Air Force states that the system is meant to be used by illustrator/designers who are creative artists and that the capabilities which AM considers objectionable are necessary to permit the users as much ease and freedom as possible in creating graphic displays.

The Air Force position is reasonable. We also note that the sample charts in appendix I are not intended to illustrate the full range of uses of the system, but rather are to be used to test basic composing times of proposed systems. By referring to those charts, AM does not show that the variety of graphics capabilities discussed above will not be necessary in the use of the system.

The Air Force has stated and AM does not dispute that there are at least five firms which manufacture equipment that can meet the requirements of the solicitation. In light of that fact and the Air Force's justifications for the requirements, we do not find that competition is unduly restricted.

The protest is denied.

Milton J. Aorlow

Acting Comptroller General
of the United States