

DECISION



John Carter
21698 21755 *118318*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-203882.2

DATE: May 5, 1982

MATTER OF: Amdahl Corporation

DIGEST:

Make and model restriction on the acquisition of a computer is reasonable and not unduly restrictive where it is based on a requirement for software support which the agency reasonably determines is available only on the specified make and model.

Amdahl Corporation protests against an invitation for bids issued by the Ames Research Center, National Aeronautics and Space Administration (NASA), for the acquisition of an International Business Machines (IBM) computer.

Amdahl contends that the solicitation is unduly restrictive because it does not permit consideration of compatible non-IBM computers. NASA justified the IBM make and model restriction in the IFB on the basis that IBM will not support the TSS operating system needed by NASA if it is not on an IBM machine. (An operating system is essentially a program which manages and allocates the computer's resources; TSS is a particular operating system oriented to timesharing-- a method used to allow several users to access the computer at the same time.) We deny the protest because we find no evidence that NASA's requirement is unduly restrictive.

As originally issued, the IFB sought bids for the acquisition of an IBM model 3033 or 3033N to replace an older IBM model 360/67 using the IBM-developed TSS/370 operating system at the Ames Research Center. The procurement is open to any vendor of either new or refurbished IBM computers. NASA justified the make and model restriction on the basis that IBM would not provide support, such as error corrections or software fixes, for TSS on a non-IBM computer. Amdahl is a manufacturer of IBM-compatible computers.

Amdahl contends that NASA's restriction of this procurement to only IBM computers is unduly restrictive because:

- (1) the solicitation is based on the assumption that only IBM can provide TSS support adequate to meet NASA's needs;
- (2) NASA's conclusion that where IBM personnel are not familiar with the non-IBM processor, IBM cannot be expected to provide full support service is erroneous;
- (3) NASA already has an IBM model 4341 at Ames which can be used by IBM personnel to solve problems with TSS; and
- (4) if only IBM can support TSS, then the support should be procured sole source, while the hardware is procured competitively.

Amdahl does not question NASA's need for TSS.

Amdahl's first two contentions are without merit because they fail to distinguish between capability and willingness. The question of whether IBM has the capability to support TSS on a non-IBM machine, as Amdahl asserts, is not relevant here; the real question is whether NASA's assessment of IBM's willingness to do so is reasonable.

The particular portion of TSS that concerns us here is public domain software which IBM provides to users free of charge; while users are free to operate TSS on whatever machine they like, it is IBM's expressed policy to provide support for TSS only if it is running on an IBM computer. While Amdahl apparently concedes that IBM has (or could develop) the capability to support TSS on non-IBM machines, Amdahl has suggested no impropriety in either IBM's policy of not doing so or in NASA's assessment of that policy.

A related assertion by Amdahl that NASA failed to consider the "abilities of hundreds of firms engaged in" software activities, which is another way of stating Amdahl's first contention above, suffers from the same

defect, TSS occupies a limited market with only four computer centers in the United States and seven worldwide using the system. While it is no doubt true that there are so-called "software houses" capable of developing the capacity to support TSS, Amdahl has not identified any with either the present or imminent capacity to compete in this limited market. Amdahl's last two contentions ignore the requirement that TSS be running on an IBM computer and not merely that an IBM computer be available for testing.

Absent any evidence that other sources for support are in fact available or that NASA has somehow misconstrued IBM's stated policy of not supporting TSS on non-IBM computers, we conclude that NASA's determination was reasonable.

In a separate challenge to the procurement, Amdahl asserts that NASA's proposed purchase of an IBM model 3033 computer exceeds NASA's minimum needs as evidenced by NASA's present consideration of an amendment to the solicitation to allow bids based on an IBM 4341 computer, a smaller machine than the 3033. In response, we note only that: (1) NASA's proposed change is a reflection in part of a recent announcement by IBM that it would support TSS on the 4341; (2) Amdahl's challenge is premature, since the change is still under consideration; and (3) Amdahl would not be prejudiced, in any event, since it concerns only a choice between two IBM computers.

The protest is denied.


Acting Comptroller General
of the United States