

DECISION



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

FILE: B-254717 DATE: May 18, 1982
MATTER OF: Security Assistance Forces & Equipment
OHG

DIGEST:

Protest that specification unduly restricts competition to photoelectric smoke detectors, excluding ionization-type, is denied where agency submitted evidence that photoelectric devices are needed to meet its minimum needs with respect to safety, and the protester has not shown otherwise.

Security Assistance Forces & Equipment OHG (SAFE) protests that the restriction in Air Force solicitation No. F61521-81-R0352 for the purchase and installation of smoke detectors in housing units in Germany to offerors of photoelectric smoke detectors was unreasonable. SAFE supplies ionization-type smoke detectors.

The Air Force has canceled the solicitation, which had been issued for photoelectric detectors on a brand name or equal basis, because the specified brand name detectors were unavailable and equal sources for the item could not be located. The Air Force has referred the requirement to the German government to obtain a contractor, apparently still restricted to suppliers of photoelectric smoke detectors. SAFE alleges that the Air Force took these actions in an attempt to avoid considering SAFE as a source of supply.

We deny the protest because the protester has not demonstrated that its ionization smoke detectors meet the Air Force's minimum requirements.

The Air Force states that, among other things, photoelectric smoke detectors respond faster than ionization units to the types of fires that normally occur in family housing units, and that photoelectric detectors produce less false alarms, which cause occupants to be apathetic to the devices' warnings. The

Air Force cites two reports in professional literature to support its statements. We believe that these safety reasons, without regard to other reasons proffered by the agency, provide prima facie justification for restricting smoke detectors to photoelectric devices. The protester has offered no evidence disproving the Air Force's position other than expressing its belief that the two types of smoke detectors in issue generally are equivalent.

The burden is on the protester to show that the agency's imposition of allegedly unduly restrictive specifications is not reasonably related to the agency's needs. Constantine N. Polites & Co., B-189214, December 27, 1978, 78-2 CPD 437. This is so because the Government's contracting agencies generally are in the best position to know their actual needs. See Particle Data, Inc.; Coulter Electronics, Inc., B-179762, B-178718, May 15, 1974, 74-1 CPD 257. Since the protester has not met its burden, we will not question the Air Force's specification. Therefore, we cannot object to the propriety of canceling the solicitation because photoelectric smoke detectors were not available, or of referring the need for such detectors to the German government for fulfillment.

The protest is denied.

Nonetheless, we note that the Army permits both photoelectric and ionization-type smoke detectors in Army-owned housing in Germany. See Security Assistance Forces & Equipment OHG--Reconsideration, B-193403, 193411, 193418, March 12, 1980, 80-1 CPD 191. While the Army's approach to meeting its needs cannot dictate the Air Force's approach, by separate letter we are advising the Secretary of the Air Force of the Army's position and suggesting a reevaluation of the Air Force's minimum needs.

for 
Comptroller General
of the United States