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DECISION



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

FILE: B-207519.2

DATE: April 22, 1983

MATTER OF: Independent Products Co., Inc.

DIGEST:

General Services Administration decision to meet its stock program requirements for coat hangers by purchasing two types of clothes hangers separately is a reasonable Government minimum needs decision.

Independent Products Co., Inc. (IPC), protests the General Services Administration (GSA) decision to meet its stock program requirements for clothes hangers by purchasing separately both wooden and plastic coat hangers under invitation for bids No. AT/TC19303. IPC argues that since both wooden and plastic hangers meet the functional requirements of the applicable specification, GSA should purchase only the allegedly less costly plastic type of coat hanger to the exclusion of the other.

We deny the protest.

The determination of the Government's minimum needs and the best method of accommodating those needs is primarily the responsibility of the contracting agencies. We have recognized that Government procurement officials, since they are the ones most familiar with the conditions under which supplies, equipment or services have been used in the past and how they are to be used in the future, are generally in the best position to know the Government's actual needs. Consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. ALCO Power, Inc., B-207252.2, November 10, 1982, 82-2 CPD 433.

GSA states that the determination to solicit wooden and plastic hangers separately is based primarily upon the history of demand by using

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agencies. GSA contends that this is a valid factor for consideration since ultimately it is the using agencies which determine what specific items will satisfy their needs. GSA argues that if it does not supply high demand items, agencies will purchase those items on the open market, resulting in increased prices to the Government. Further, GSA asserts that plastic hangers are less durable. Finally, the agency advises that this method of procurement has not increased Government hanger cost based on a higher comparison bid submitted by IPC.

On the basis of the present record, we cannot find that GSA's decision to make several types of hangers available to Federal agencies is clearly unreasonable. Although IPC contends that demand by using agencies should not be taken into account, we find that it is a proper factor to be considered by GSA. As GSA notes, the agency is statutorily responsible for satisfying the requirements of widely differing agencies. See 40 U.S.C. § 481 (1976). Past use appears to be a reasonable basis upon which future agency requirements may be forecasted. In addition, Federal Property Management Regulations (41 C.F.R. § 101-26.103-1 (1982)) contemplate that agencies may procure different varieties of required items of the quality needed to support the agency mission. Furthermore, GSA states that wooden hangers are more durable than plastic. Although IPC contests this claim, IPC has not presented sufficient evidence to establish that this determination is clearly unreasonable. Silent Hoist & Crane Co., Inc., B-208386, December 28, 1982, 82-2 CPD 583.

for *Harry D. Van Cleave*
Comptroller General
of the United States