

DECISION

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

FILE: B-211395**DATE:** August 8, 1983**MATTER OF:** Ridg-U-Rak, Inc.**DIGEST:**

Determination of agency's minimum needs is primarily the responsibility of the agency since procuring officials are most familiar with the conditions under which the supplies and services being procured will be used. Where the procuring agency has established prima facie support for the necessity for specifications which are alleged to be unduly restrictive, the protester's disagreement with the agency's technical conclusions does not establish that the specifications are unreasonable.

Ridg-U-Rak, Inc. (Ridg-U-Rak), protests the award of a contract for cantilever racks under solicitation No. FNP-C4-1418-A, issued by the General Services Administration (GSA). The Department of the Navy requested GSA to purchase the cantilever racks for the Navy. Ridg-U-Rak asserts that Military Specification Mil-R-43775, employed as the basic specification for the cantilever racks, is unduly restrictive.

We deny the protest.

Ridg-U-Rak contends that the specification requirement that the safety catch feature on the arms of the cantilever racks be secured by a boltless connection is unduly restrictive and gives a significant advantage to the racks manufactured by the Fraser Industrial Company (Fraser). The Ridg-U-Rak design employs a bolted attachment. Ridg-U-Rak argues that there is no reasonable justification for requiring a boltless safety catch connection.

In response, GSA contacted the Department of the Army's NATICK Research and Development Laboratory, which drafted the specification. GSA was informed that the boltless construction requirement was included for the following reasons:

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1. Bolts are subject to expansion/contraction because of weather conditions. These variations would cause instability in the load capacity.
2. Bolts are subject to corrosion.
3. Boltless construction is preferable for strength consideration.

Ridg-U-Rak disputes the validity of the reasons advanced by the Army. Ridg-U-Rak argues that expansion or contraction due to weather changes would have no adverse effect on the fit or integrity of the joint, that bolts are cadmium plated, a common acceptable means of protecting against corrosion, and that there is absolutely no evidence to support the Army's view that boltless construction has superior strength.

The determination of the Government's minimum needs and the best method of accommodating those needs are primarily the responsibility of the contracting activities. Since the Government procurement officials are the ones most familiar with conditions in which supplies, equipment or services have been used in the past and how they are to be used in the future, they 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. Frequency Electronics, Inc., B-204483, April 5, 1982, 82-1 CPD 303. When a protester challenges a specification as unduly restrictive of competition, the burden is on the procuring activity to establish prima facie support for its contention that the restrictions it imposes are needed to meet its minimum needs. But once the agency establishes this support, the burden shifts to the protester to show that the requirements objected to are clearly unreasonable. Mid-Atlantic Industries, Inc., B-202682, August 26, 1981, 81-2 CPD 181.

In the present case, GSA has provided a specific and reasonable basis for the requirement to which Ridg-U-Rak objects. Essentially, Ridg-U-Rak is contesting the validity of the technical conclusions reached by the Army's NATICK Research and Development Laboratory and advanced as support for the boltless construction requirement. As already noted, we have held that the determination of an agency's minimum needs is largely a matter of discretion on the part

of the agency's contracting officials. A procuring agency's technical conclusions concerning its actual needs are entitled to great weight and will be accepted unless there is a clear showing that the conclusions are arbitrary.

Industrial Acoustics Company, Inc., et al., B-194517, February 19, 1980, 80-1 CPD 139. It is not the function of our Office to conduct an independent analysis of a contracting agency's minimum needs. In this instance, we are faced with a technical dispute. Ridg-U-Rak has not shown that the requirement for boltless construction is arbitrary or unreasonable, but only that it believes that the underlying technical conclusions supporting the specification requirement are wrong. Such an argument does not satisfy the protester's burden of proof. Rack Engineering Company, B-208165, March 10, 1983, 83-1 CPD 242; EMI Medical Inc.; Peiker Corporation, B-195487, February 6, 1980, 80-1 CPD 96.

Finally, with respect to Ridg-U-Rak's contention that the specification favors the cantilever racks manufactured by Fraser, we note that GSA received 11 bids in response to the solicitation. However, even assuming that only one firm or a few firms could meet the requirement, if a specification is reasonable and necessary, the fact that only a few firms can meet it does not violate competitive procurement requirements. Rack Engineering Company, supra.

Accordingly, the protest is denied.

for 
Comptroller General
of the United States