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DECISION



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

FILE: B-213036

DATE: December 16, 1983

MATTER OF: Ven-Tel, Inc.

DIGEST:

Protester's objection that modem-key pad requirement overstates agency's minimum need is denied where agency needs key pad to permit employees without computer knowledge to utilize the modem.

Ven-Tel, Inc. (Ven-Tel), protests that the Department of Energy (Energy) has overstated its needs in request for proposals (RFP) No. DE-RP01-83MA32424.

The RFP requested proposals to supply modems. A modem converts computer digital signals initiated at a sending computer terminal modem into sound waves so that the signals may be transmitted along telephone lines to a receiving modem. When the sound waves reach the receiving modem they are reconverted into digital signals and passed to the receiving computer terminal. The specifications required the modem to accept dialing information from terminal equipment and to automatically dial stored information from terminal equipment. The specifications also required the modem to have a built-in key pad. This device is similar to a telephone dial and permits modem users to access the receiving modem by dialing directly on the originating modem instead of by typing on the terminal keyboard.

By letter dated September 8, 1983, Ven-Tel protested to Energy that the requirement for a built-in dial pad was unnecessary. This protest was denied after Energy technical advisers determined that the requirement was valid. Ven-Tel then timely protested to this Office.

Ven-Tel contends that Energy has overstated its minimum needs by requiring the modem to have a built-in key pad because the function performed by the key pad already can be performed by using the computer terminal keyboard. Energy responds that the system it acquires will be used by persons with varying degrees of knowledge and skill relating to computer equipment. Energy also notes that the modem will be used to connect a wide variety of systems within Energy. Energy contends that it needs a system which can be easily

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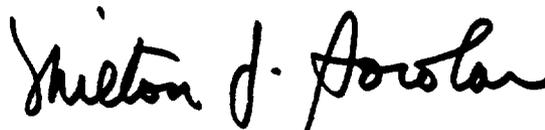
operated and that a system with a built-in dial pad meets this need. Energy also claims that there will be fewer operational and technical problems with a modem that has a built-in dial pad.

This Office consistently has held that the determination of its minimum needs and the best method of accommodating those needs are primarily the concern of the contracting activity. Therefore, we will only question an agency's determination of its minimum needs if the protester clearly shows that the determination has no reasonable basis. Romar Consultants, Inc., B-206489, October 15, 1982, 82-2 CPD 339.

Ven-Tel and Data Communications Division (Data), another competitor on the procurement, have submitted comments to Energy's protest report. Ven-Tel's comments reiterate the argument that a built-in key pad is not necessary because the terminal keyboard will perform the same functions as the key pad. This argument does not dispute Energy's contentions that the key pad is easier for persons without computer experience to use. Data's comments allege that the variety of terminals at Energy is no different than the variety of terminals at other government agencies. However, this fact would not demonstrate that Energy does not need a system which is easy to use. See Allen and Vickers, Inc; American Laundry Machinery, 54 Comp. Gen. 445, 449 (1974), 74-2 CPD 303; Watkins-Johnson Company, B-186762, October 19, 1976, 76-2 CPD 346. Thus, we cannot conclude that Energy's requirement for a built-in dial pad is clearly unreasonable and we will not object to this requirement.

Finally, Ven-Tel and Data allege that competition is unduly restricted because only one vendor can supply a modem with a built-in dial pad. Energy notes, however, that it has received offers to supply these items from five vendors. Consequently, we do not believe that the requirement unduly restricts competition. Cf. Comten, Inc., B-186983, December 8, 1976, 76-2 CPD 468.

The protest is denied.

for 
Comptroller General
of the United States