

DECISION



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

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FILE: B-212489

DATE: February 6, 1984

MATTER OF: S.A.F.E. Export Corporation

DIGEST:

GAO will not consider merits of allegations that more restrictive specifications are required to serve the government's interest.

S.A.F.E. Export Corporation protests the Corps of Engineers' refusal to require smoke detectors, being acquired under solicitation No. DACA51-83-B-0064 for family housing quarters occupied by Army personnel and their families in the Federal Republic of Germany, to be type-licensed as allegedly required by German law. The protester, having submitted the second highest bid (while its affiliate submitted the highest bid) of the seven received, asserts that its offered devices are type-licensed, and complains that it suffered a competitive disadvantage in the procurement since it bore the cost of obtaining the license while other bidders did not. S.A.F.E. complains that if the government acquires devices that are not licensed, follow-on contracts for installation will be more costly and time-consuming because those doing the installation will have greater difficulty obtaining handling permits, required for installation under German law, than they would if they were handling licensed alarms.

We dismiss the protest.

We will not consider the merits of an allegation that a more restrictive specification--in this case, type-licensing for the detectors--is necessary to serve the government's interest. The purpose of our role in resolving bid protests is to ensure that the statutory requirements for free and open competition are met; a protester's presumable interest as a beneficiary of more restrictive specifications is not protectable under our bid protest function. King-Fisher Company, B-209097, July 29, 1983, 83-2 CPD 150, aff'd, B-209097.2, September 2, 1983, 83-2 CPD 289. Procurement officials and the user activities are responsible for ensuring that solicitations utilize sufficiently rigorous specifications to meet the government's

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legitimate needs and to protect the government's interest, since they suffer the consequences of obtaining inadequate supplies. Therefore, absent evidence of possible fraud or willful misconduct by government officials, we consistently have refused to review allegations that a contracting agency should have used more restrictive specifications. King-Fisher Company, supra.

In any event, we note that the Army's refusal to accept S.A.F.E.'s contentions that German law mandates type-licensing, and that the acquisition of non-licensed alarms will generate greater costs and costly delays in obtaining handling permits necessary for the installation of the devices under German law, is based on input from the German authorities themselves.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel