

**DECISION**

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

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**FILE:** B-215079**DATE:** August 6, 1984**MATTER OF:** Tooling Technology, Inc.**DIGEST:**

Agency's specifications for a precision tool pre-setting machine are not unduly restrictive of competition where the agency presents a reasonable explanation why the restrictions are necessary to meet its minimum needs, and the protester fails to address the explanation or show that the restrictions are unreasonable.

Tooling Technology, Inc. protests that the specifications in invitation for bids No. DAAA08-84-B-0084 unduly restrict competition. The invitation has been issued by the Army to acquire a precision tool pre-setting machine for use at the Rock Island Arsenal, Illinois. The protester contends that some of the specifications are based on a competitor's model and unfairly prevent the protester from offering the model of the manufacturer it represents.

We deny the protest.

The protester originally complained that seven of the invitation's specifications prevented it from offering a specific machine, the Zoller EGH 4000. The Army has conceded that two of the requirements could be relaxed and restated if they prejudiced a potential bidder, but contends that the Zoller model otherwise fails to meet essential requirements. The protester has apparently accepted the agency's rationale for a third requirement, and states that it could modify the machine in that regard without difficulty.

The four specifications that remain at issue are as follows:

- the machine bed and base must be constructed of cast iron or steel, whereas the Zoller model's bed is constructed of aluminum with bolted on steel supports;

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- the machine bed must be equipped with two coordinate slide elements for measuring the tools, whereas the Zoller model uses precision ball cages on hardened and ground rods;
- the machine must be equipped with a comparator capable of approximately a 32-power magnification, whereas the Zoller machine has a 20-power projector; and
- the machine's spindle nose (for mounting the tool being pre-set) must accept a flange-mounted, collar-locking holder capable of quick-changing certain tool holders and adaptors, whereas the Zoller model has a bayonet-type, quick-change system that loads directly into the spindle nose.

Where, as here, a protester challenges specifications as being unduly restrictive of competition, the procuring agency bears the burden of presenting prima facie support for its position that the restrictions are necessary to meet its actual minimum needs. Deere & Company, B-212203, Oct. 12, 1983, 83-2 CPD ¶ 456. If such support is submitted, the burden then shifts to the protester to show that the specifications in dispute are clearly unreasonable. Id. The contracting agency's initial burden reflects its statutory obligation to create specifications that permit such free and full competition as is consistent with the agency's actual needs, 10 U.S.C. § 2305 (1982), while the protester's burden of proof stems from the fact that the determination of the government's minimum needs and the best method of accommodating those needs are primarily matters of the contracting agency's discretion. See Bataco Industries, Inc., B-212847, Feb. 13, 1984, 84-1 CPD ¶ 179.

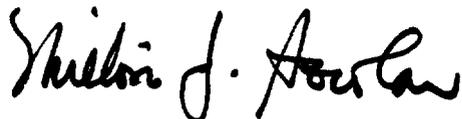
In this regard, specifications based upon a particular product are not improper in and of themselves, and a protest that a specification was "written around" design features of a competitor's product fails to provide a valid basis for protest where the agency establishes that the specification is reasonably related to its minimum needs. Amray, Inc., B-208308, Jan. 17, 1983, 83-1 CPD ¶ 43. In the same vein, a specification is not improper merely because a potential bidder cannot meet its requirements. Deere & Company, supra.

The Army has offered reasonable explanations of its need for the specifications at issue. Concerning the requirement for a bed and base constructed of cast iron or steel, the Army points out that the Rock Island Arsenal has an uncontrolled, open shop environment and that the mating of dissimilar materials in such an environment ultimately results in electrolysis and associated corrosion, and in displacement caused by the metals' different reactions to temperature fluctuations. These conditions, in turn, affect the durability, reliability and accuracy of the pre-setting machine.

The protester has not responded to the Army's justification for this specification except to state that the Zoller machine has been accepted and used by no fewer than 31 of the major corporations in Europe, as well as many in the United States. Such a response, however, fails to address the Army's concerns about the adverse effects the Arsenal's environment would have on any machine constructed of dissimilar metals and on the Zoller machine in particular. The protester therefore has failed to meet its burden of showing that the Army's justification for the specification is unreasonable.

In view of this conclusion, we need not further discuss the invitation's other allegedly restrictive specifications, since the requirement for a bed and base constructed of cast iron or steel precludes the protester from offering the Zoller EGH 4000. See PittCon Preinsulated Pipes Corporation, B-209940.2, July 11, 1983, 83-2 CPD ¶ 70. We nevertheless point out that the Army also has justified at least its requirements for slide elements as opposed to rods supported by ball cages, and for a flange-mounted, collar-locking holder as opposed to a loading system incorporated within the spindle nose, in terms of the Army's need to assure accuracy on a continuing basis. The Army contends that the Zoller model's features need periodic adjustment or overhauling, while these problems do not attend the features specified in the solicitation. The protester, in responding to these points, has not addressed the reasonableness of the Army's concerns.

The protest is denied.

for   
Comptroller General  
of the United States