

DECISION

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

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FILE: B-213981

DATE: August 20, 1984

MATTER OF: Siecor Corporation

DIGEST:

Decision to sole-source procurement of fiber optic cable assemblies based on agency's reasonable determination that only one firm had expertise and capability to perform specified work is not objectionable.

Siecor Corporation protests the proposed sole-source award of a contract to AT&T Technology Systems under solicitation No. DAAB07-84-Q-K504 issued by the Department of the Army. Siecor contends that Siecor and a number of other firms are capable of fulfilling the Army's needs. We deny the protest.

The Army published a notice of its intent to conduct the noncompetitive procurement in the Commerce Business Daily during August 1983, which advised that a request for quotations would be issued only to AT&T. On August 24, 1983, a sole-source justification was approved and on November 23, the request for proposals was issued to AT&T. Award has been withheld pending resolution of this protest.

The proposed contract is for the development of preliminary and final engineering design models of fiber optic cable assemblies and associated data. Generally, the solicitation's statement of work (SOW) contains stringent specification requirements for the tactical fiber optic cable assemblies. The contractor is responsible for developing radiation resistant assemblies for use with tactical communications systems for distance ranging from 1 to 10 kilometers without repeaters. The assemblies are required to be "ruggedized," and must provide efficient communication performance within stated technical parameters. The solicitation requires delivery of the items by July 1985, in time for parallel testing with the Army's Fiber Optic Transmission System-Long Haul (FOTS) program.

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B-213981

Siecor's protest is based on the allegations that the Army failed to adequately review potential competition, including Siecor's latest design, prior to making the decision to procure sole source, that the sole-source justification is improper and insufficient and that the requirements should be competed.

Siecor contends that it is fully qualified to perform the contract since the fiber optic cable assembly components (cable, fiber, connector) are either commercially available with minor development efforts and testing or are competitively available throughout the industry with existing developmental technology. Specifically, Siecor contends that it has developed a fiber optic cable that currently meets, and in many areas exceeds, most of the Army's requirements. Siecor argues that it and its proposed subcontractors, possess extensive experience in cable design and construction and therefore can successfully perform the Army's requirements.

The Army's position regarding the protest and the decision to procure sole source is that AT&T is the only company that is capable of meeting all SOW requirements without unacceptable technical risks within the specified time frame. In the Army's view, AT&T alone possesses the necessary expertise, including available proprietary technical data, to successfully complete the work. The Army specifically denies that there is any current commercial technology available that can meet the specific requirements of the SOW.

In determining the propriety of a sole-source award, the standard we apply is one of reasonableness; unless it is shown that the contracting agency's justification for a sole-source award is unreasonable, our Office will not question the procurement. Diesel Parts of Columbia, B-200595, July 20, 1981, 81-2 CPD ¶ 50. We have recognized that noncompetitive awards may be made where the minimum needs of the government can be satisfied only by one firm which could reasonably be expected to produce the required item without undue technical risk within the required time frame. Fermont Division, Dynamics Corporation of America, B-198197, Sept. 9, 1980, 80-2 CPD ¶ 184. Siecor has presented numerous technical arguments in support of its position that it is a capable source for the requirement. For each of Siecor's technical arguments, the Army has

B-213981

presented technical counter arguments. We will consider only the principal technical contention since we believe its resolution to be dispositive.

After evaluating Siecor's proposed technical approach during a meeting in November 1983, the Army denied Siecor's request to be allowed to compete because, among other reasons, Siecor did not meet the specification requirement that the "fiber shall be tightly buffered."

"Your proposed approach of a loose tube fiber optic cable design with filling compound in the interstitial spacing is considered inadequate for the government to change its position regarding the subject acquisition. The proposed cable design is considered inconsistent with past scientific and experimental results which were obtained through a series of developmental efforts. The finding was well supported that the 'tight buffer fiber' optic cable design represents the lowest risk for fielding a proven tactical cable. The proposed cable design is not compatible with the requirements of the Fiber Optic Transmission System Long Haul FOTS (LH) and cable approved for that program."

Siecor states that its cable design uses a composite buffering technique, not a loose tube fiber optic cable design. In addition, Siecor argues that the cable does not have a filling compound in the interstitial spacing but only in the soft separation layer and that its composite buffer cable design represents a "unique" approach which takes advantage of both cable design alternative, tight buffer and loose tube. According to Siecor, its fiber is a tight buffered fiber and since the material contains no voids, it meets the Army's "tight buffer" requirement.

The Army insists that the only difference between the basic loose tube and the proposed composite or semi-loose tube buffer of Siecor is the thickness of the buffer in

24110

B-213981

contact with the glass fiber and the gap of the filling region. The Army states that the fundamental design and mechanism for relieving strain forces are equivalent. The Army insists that the disadvantages of filled tube are present in the Siecor design and represent serious risk to fiber performance and that interstitial voids are, in fact, visible with the naked eye. The Army has provided color photographs to emphasize its point of unfilled spacings in such design.

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, Feb. 19, 1980, 80-1 CPD ¶ 139.

From our review of the record, it is evident that the Siecor design is not consistent with the Army's definition of a tightly buffered cable. Among other things, the Siecor design contains a filler type material, and it requires lubricants on the inner coatings of the cable and on the optical surfaces, neither of which is present in the specified design. While Siecor obviously does not agree with the Army's technical conclusions, it has not, in our opinion, shown them to be unreasonable.

The protest is denied.



Acting Comptroller General
of the United States