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DECISION

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

FILE: B-219295 **DATE:** September 16, 1985

MATTER OF: Alan Scott Industries

DIGEST:

Complaint that procuring agency has failed to provide drawings or samples is without merit where protester fails to establish that adequate drawings were not available to it or that a sample was required.

Alan Scott Industries (ASI) protests any award of a contract under invitation for bids (IFB) No. DLA120-85-B-2246 for abdominal retractors, issued by the Defense Personnel Support Center, Defense Logistics Agency (DLA).

ASI alleges that the solicitation is incomplete because the government failed to provide detailed mechanical drawings to allow for production of the specified item or a sample of the item to be procured.

The IFB called for the retractors to be manufactured in accordance with Military Specification (MIL SPEC) MIL-R-36982, June 26, 1973. The solicitation also referenced certain drawings but neither the MIL SPEC nor any drawing was included in the solicitation package. The solicitation, however, provided bidders the opportunity to obtain the MIL SPEC and drawings from the Naval Publications and Forms Center.

DLA maintains that ASI's protest is ambiguous, thereby requiring an answer in the alternative. DLA believes that, if ASI is arguing that no drawing was provided, the argument is without merit because, although no drawing was actually included with the solicitation, the IFB clearly advised potential bidders of the availability and location of specifications and drawings. DLA concludes that, since it stated the requirements clearly and informed bidders where to obtain specifications and drawings, it had no legal obligation to furnish these items as part of the solicitation package. To support its position, DLA cites two prior decisions of our Office where we denied a similar basis of protest by ASI against the conduct of prior procurements.

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See Alan Scott Industries, B-193530, Apr. 27, 1979, 79-1 C.P.D. ¶ 294 and Alan Scott Industries, B-197036, Mar. 21, 1980, 80-1 C.P.D. ¶ 212. If ASI is arguing that the drawings were not "proper," DLA maintains that this argument cannot be addressed since ASI does not provide any specific reasons for this alleged impropriety. The drawings have been utilized in substantially the same form for the past 12 years, and four different contractors have supplied the solicited products without expressing any objection to either the specifications or drawings.

Regarding ASI's allegation that the government refused to provide a valid sample in lieu of a proper drawing, DLA states that it was under no obligation to furnish a sample, but notes that a sample was offered to ASI for inspection.

The protester has the burden of affirmatively proving its case. Reliable Maintenance Service, Inc.--Request for Reconsideration, B-185103, May 24, 1976, 76-1 C.P.D. ¶ 337. Our Office will not conduct an investigation to establish whether a protester's speculative statements are valid. Bowman Enterprises, Inc., B-194015, Feb. 16, 1979, 79-1 C.P.D. ¶ 121.

Here, ASI has not furnished any evidence in support of its general allegations, and we have rejected these same arguments made by ASI in at least two prior decisions. See Alan Scott Industries, supra. ASI simply has not met its burden of proving that a sample was required or that in fact adequate drawings were not available to it.

The protest is denied.

Ronald Berger
for Harry R. Van Cleve
General Counsel