

DECISION

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

FILE: B-219808 **DATE:** October 10, 1985
MATTER OF: A.B. Dick Company

DIGEST:

Protest against procuring agency's issuance of delivery order to firm with multiple-award Federal Supply Schedule contract, by a protester who holds a similar schedule contract, is denied, where the agency reasonably determined that the price of the protester's system that meets the government's minimum needs is not lower than the awardee's price.

A.B. Dick Company (A.B. Dick) protests Vandenberg Air Force Base's issuance of delivery order No. F04684-85-F-7118 to Multigraphics for the lease and maintenance of printing equipment. The order was placed against Multigraphics' General Services Administration Federal Supply Schedule (FSS) contract No. GS-00F-69801. Both A.B. Dick and Multigraphics have mandatory-multiple award FSS contracts for printing equipment.

A.B. Dick argues that the delivery order was issued in violation of the Federal Acquisition Regulation (FAR), 48 C.F.R. § 8.405-1 and part 10 (1984). A.B. Dick contends that its products are operationally reliable and can meet the minimum needs of the Air Force at the lowest cost. We deny the protest.

The Air Force reports that the protester's system did not result in the lowest overall cost to the government. Additionally, the Air Force reports that A.B. Dick's system does not meet the government's minimum requirements for an electronic ink and moisture system and an "on-line" system.

Under FAR, 48 C.F.R. § 8.405-1, an agency must place orders against the multiple-award schedules that result in the lowest overall cost alternative to meeting the needs of the government. See Information Marketing International, B-216945.2, Sept. 24, 1985, 85-2 C.P.D. ¶ _____. The determination of an agency's minimum needs and which products on the FSS meet those needs is a matter primarily within the jurisdiction of the procuring agency with which our Office

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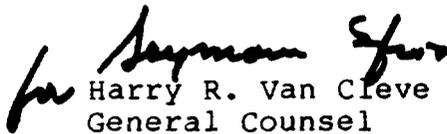
will not interfere unless the determination involves bad faith or is not based on substantial evidence. Lanier Business Products, Inc., B-212072, Jan. 23, 1984, 84-1 C.P.D. ¶ 94.

A.B. Dick's system was not evaluated as the lowest priced one because, the Air Force reports, the equipment must produce 14 masters (impressions) per minute to meet the agency's minimum needs. Since A.B. Dick's platemaker only produces seven masters per minute, the Air Force evaluated A.B. Dick's system price based on the use of two platemakers. A.B. Dick challenges the requirement for 14 masters per minute, stating that the system's presses cannot duplicate from those masters at more than four per minute. However, the Air Force reports that the Multigraphics system and platemaker (17 masters per minute), which is compatible with existing Air Force equipment, actually can supply masters to four of the Air Force's offset presses during the critical peak periods, thereby utilizing 16 masters per minute.

A.B. Dick offers no basis on which to question the Air Force's justification for requiring equipment that produces 14 masters per minute. Since we therefore cannot find the requirement unreasonable, the evaluation of A.B. Dick's system as higher priced is correct. Under these circumstances, we need not discuss A.B. Dick's challenges to the other minimum needs justifications of the Air Force.

A.B. Dick also complains that in justifying and placing the order, the Air Force described its requirements in terms of the particular features of Multigraphics' equipment instead of performance needs. A.B. Dick suggests that the Air Force thereby has violated the preference for performance specifications expressed in FAR, part 10, which prescribes policies and procedures for using specifications, standards, and purchase descriptions in the acquisition process. This part, however, is not applicable to orders placed against multiple-award schedules, which are appropriate precisely when it is not practicable to draft specifications or other descriptions for the required supplies or services. FAR, 48 C.F.R. § 38.102-2. Therefore, there is no legal merit in A.B. Dick's complaint.

The protest is denied.

for 
Harry R. Van Cleave
General Counsel