

DECISION

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

FILE: B-219902 **DATE:** October 17, 1985
MATTER OF: A.B. Dick Company

DIGEST:

Protest against the issuance of a delivery order for printing equipment to multiple award Federal Supply Schedule contractor by protester with similar FSS contract is denied where agency reasonably determined that awardee's on-line equipment met its minimum need and the protester did not.

A.B. Dick Company (A.B. Dick) protests delivery order No. F30602-85-F-1333 issued by Griffiss Air Force Base (Air Force) to A.M. Multigraphics (Multigraphics) for printing equipment. The order was placed against Multigraphics' General Services Administration mandatory multiple award Federal Supply Schedule (FSS) contract No. GS-00F-69801. A.B. Dick has a similar FSS contract.

We deny the protest.

A.B. Dick contends that the delivery order violated Federal Acquisition Regulation (FAR), 48 C.F.R. §§ 8.405-1, 10.001, 10.002, and 10.004(b)(4) (1985), because the Air Force identified Multigraphics' equipment as the only system to meet its minimum needs. A.B. Dick argues that its equipment meets the Air Force's needs, is lower in cost and is operationally as reliable.

The Air Force reports that initially the delivery order was mistakenly divided into two purchases; a "Multigraphics TCS/System 7, Duplex Copying System" and a "Multi-Copying Sorter." The Air Force later determined that the equipment was to be purchased as one system and Multigraphics was issued a delivery order for the total system. A.B. Dick, the low quoter on the sorter, objected to the award and requested the Air Force to allow it to demonstrate its equipment. After examining the equipment, the Air Force determined that A.B. Dick's equipment would not meet its minimum needs because A.B. Dick did not offer on-line equipment.

Under FAR § 8.405-1, an agency must place orders against the multiple award schedules which will result in the lowest overall cost alternative to meet the needs of the government. See Information Marketing International, B-216945.2, Sept. 24, 1985, 85-2 C.P.D. ¶ _____. The determination of the minimum needs of an agency and of which products on the FSS meets these needs is properly the responsibility of the contracting agency. Moreover, government procurement officials who are familiar with the conditions under which supplies and equipment have been and will be used are generally in the best position to know what constitutes their minimum need. Therefore, our Office will not question an agency's minimum need determination unless it clearly involves bad faith or is not based on substantial evidence. The fact that the protester disagrees with the determination does not show that it is unreasonable. See Lanier Business Products, Inc., B-212072, Jan. 23, 1984, 84-1 C.P.D. ¶ 94, Baker Manufacturing Company, Inc., B-193963, Aug. 6, 1979, 79-2 C.P.D. ¶ 82.

The Air Force reports that, due to an increase in workload (42 percent) and reduction in manpower, it needed to find a reproduction system that could handle large volumes of work with minimal operator involvement. It determined that the System 7, the only fully automated, integrated "on-line" reproduction system on the FSS, would meet their need. "On line" means the entire reproduction process from platemaking to collating can be done without operator intervention.

A.B. Dick challenges the Air Force's determination that only the Multigraphics equipment will satisfy its needs because whether a system is on-line or off-line is irrelevant because it can be monitored with one operator from start to finish. However, the Air Force advises that the A.B. Dick equipment requires an operator to physically transfer masters from the master imager to the printer. Further, the Air Force reports that operators will be more productive with the System 7 because it produces 17 masters per minute--the A.B. Dick equipment produces only 7. A.B. Dick argues that the need to produce 17 masters per minute is overstated because an on-line configuration cannot utilize 17 masters per minute. However, the Air Force reports that the Multigraphics' equipment is compatible with existing equipment so that masters can be used with the Air Force's other offset presses.

The Air Force's determination to purchase Multigraphics' equipment to meet its increased workload requirement was reasonable considering that the equipment is

on-line, produces 17 masters per minute, and is compatible with the Air Force's other off-set presses. A.B. Dick has not shown that the determination was unreasonable save to argue that its off-set equipment can equally meet the Air Force's need at a lower price. However, the Air Force examined A.B. Dick's equipment and found that on-line equipment was required to meet its current and future needs.

Finally, A.B. Dick's contention that the delivery order was issued in violation of Part 10 of the FAR is without merit because those regulations do not apply to orders placed against multiple award schedules. See FAR, 48 C.F.R. § 38.102-2; A.B. Dick Company, B-219808, Oct. 10, 1985, 85-2 C.P.D. ¶ ____.

The protest is denied.

fa Seymour Spies
Harry R. Van Cleave
General Counsel