

CURC 025



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Microdyne Company  
File: B-224216  
Date: December 18, 1986

## DIGEST

Protest that agency improperly issued delivery order to a higher-priced Federal Supply Schedule contractor is denied where agency's justification for the purchase is not shown to be unreasonable.

## DECISION

Microdyne Company protests the issuance of a delivery order to Fixtures Furniture c/o IPA (IPA) under request for quotations (RFQ) No. N60530-86-F-EY53, issued by the Department of the Navy to procure specialty chairs. We deny the protest.

The RFO was issued to firms holding multiple award Federal Supply Schedule (FSS) contracts, mandatory for use by the Navy. The RFO requested various types of chairs, specified IPA model numbers or equal, and listed the chairs' salient characteristics. A vendor was to respond with information about and prices for the equipment it had on the FSS that it believed would suit the Navy's needs; pursuant to the regulations that govern purchases from the General Services Administration's multiple award FSS, Federal Property Management Regulations, 41 C.F.R. § 101-26.408-2 (1986), the Navy then would select the lowest delivered price available, unless the agency could justify the purchase of a higher-priced item.

The Navy received and evaluated quotations from five offerors, including IPA and Microdyne, and determined that only the chairs offered by IPA met all the salient characteristics of the RFO. The Navy then issued the order to IPA despite the fact that the prices quoted by IPA were higher than those quoted by other offerors.

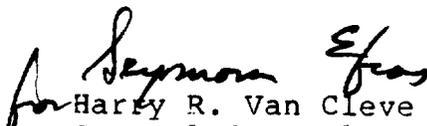
Microdyne, which submitted the lowest quotation, protests that the Navy's issuance of the delivery order to a higher priced schedule contractor is unjustified. Microdyne

concedes that in some cases its chairs do not meet the exact salient characteristics stated in the RFQ. Specifically, Microdyne agrees that the backs of some chairs are 1/2 inch shorter than those of the specified chairs; that the backs of its quest chairs are 2 inches shorter than specified; and that its seats adjust from 16.0 to 21.5 inches as opposed to the specified 17 to 22 inches. Microdyne also admits that the backs of its chairs only adjust to static posture positions (a lever is used to adjust the chair to a specific position) and thus do not meet the RFQ requirement that the chairs adjust in static posture settings and in dynamic motion (the chair goes back in response to the user's pressure against the chair back). Microdyne argues, however, that these deviations are minor and that its chairs are functionally equivalent to the IPA chairs specified in the RFQ.

The Navy justifies the purchase on the basis that IPA's furniture is "superior in quality and workmanship" in terms of size, adjustability, and related characteristics, and notes that the items quoted by other vendors do not meet all the agency's criteria in these respects. The Navy explains that it has a need for special purpose seating for employees involved in positions with, for example, secretarial and report-writing responsibilities that involve long hours of sitting and multiple functions. The Navy avers that for these employees to maintain accuracy and productivity they must have seating that is both comfortable and easily adjustable.

We will not object to the Navy's purchase from IPA. We generally will not substitute our judgment for a contracting agency's in terms of what its minimum needs are unless the agency's judgment is shown to be unreasonable. American Sterilizer Co., B-212933, Jan. 26, 1984, 84-1 C.P.D. ¶ 122. While some of the differences between Microdyne's chairs and IPA's do not seem important--like the seat adjustment range--we have no reason to question the importance of the Navy's stated need for chairs that adjust in dynamic motion, for instance. Microdyne's basic disagreement with the Navy as to the advantages and disadvantages of the various chairs does not establish that the Navy's position is unreasonable. Id.

The protest is denied.

  
for Harry R. Van Cleve  
General Counsel