



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Southwestern Bell Telephone Co.

File: B-225375

Date: December 22, 1986

DIGEST

Protest that requirement for on-base switching equipment under solicitation for base telecommunications system unduly restricts competition is without merit where agency establishes that requirement is needed to minimize potential for disruption of on-base communications in all circumstances including emergency or wartime situations by maintaining system within the security of the base.

DECISION

Southwestern Bell Telephone Co. protests certain requirements under request for proposals (RFP) No. F11624-86-R-0011, issued by the Department of the Air Force for a telecommunications system for Sheppard Air Force Base, Texas. This system includes the main switch unit, desk telephones and all cabling required to connect all parts. Southwestern protests that the requirements for on-base switching equipment and for the contractor to provide terminal equipment which would make the contractor responsible for "end-to-end" telephone service restrict competition and exceed the Air Force's minimum needs. Southwestern states that these requirements prevent the company from competing because, under existing law, it cannot provide on-base switching or terminal equipment. We deny the protest.

The Air Force reports that this RFP was issued to comply with the requirements of "the National Communications System" created by Executive Order 12472, 49 Federal Register 13471 (1984), which requires that telecommunications systems provide "the necessary combination of hardness, redundancy, mobility, connectivity, interoperability restorability and security to obtain, to the maximum extent practicable, the survivability of national security and emergency preparedness telecommunications in all circumstances, including conditions of crisis or emergency." The agency states that the

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solicitation requires a self-contained telephone system, including on-base switching for the military installation which would not be affected by off-base sabotage or attack. Southwestern only can provide switching from its control switching office which is not located on the base.

With regard to the "end-to-end" telephone service requirement, the Air Force reports that prior to telephone company deregulation in 1984, the Bell System provided telecommunication services to the base which included end-to-end service, that is, one company was responsible for maintaining the entire system. Since deregulation, telephone service is provided by several companies each responsible for parts of the service; for example, Southwestern currently provides on-base cabling and dial tones.

The Air Force advises that the division of responsibilities among several companies has created difficulties and delays in maintenance and repair of the system, particularly when disruption of telephone service occurs. Since the Air Force usually cannot identify the cause of the problem, it has had to request service calls from different providers until the problem is located and the proper company responsible for the repair of that problem corrects the problem. The Air Force states that by requiring one provider to be responsible for complete service, it can ensure that breaks in service can be responded to more rapidly and efficiently, thus meeting its need for maintaining its telephone system in all circumstances as mandated under the executive order.

The contracting agency has primary responsibility for determining its needs and the best method of accommodating those needs. We have recognized that government procurement officials--since they are the ones most familiar with the conditions under which supplies, equipment, or services have been used in the past and how they are to be used in the future--are generally in the best position to know the government's actual needs. Consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Ray Service Co., 64 Comp. Gen. 528 (1985), 85-1 C.P.D. ¶ 582.

When a protester challenges a specification as being unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support for its contention that the restrictions it imposes are necessary to meet its minimum needs. But once the agency establishes this prima facie support, the burden is then on the protester to show that the requirements complained of are clearly unreasonable. Ray Service Co., supra.

The Air Force determination that the requirement for on-base switching is needed for security and emergency preparedness provides a reasonable basis for the requirement. The Air Force explains that the use of a central switching office off-base, as would be provided by Southwestern, requires that every phone on-base will have wires traveling off-base to the central switch and back to the base. The record indicates that, in this situation, when a senior commander telephones another officer, the call would go through an off-base switch and back to the base. Thus, if the off-base switch is disabled or the lines in or out of the base are rendered inoperable, intra-base communications would be disrupted. Since the off-base switch and cable lines will not be guarded, these lines and switch are more readily subject to disruption in a wartime or emergency situations than is equipment located within a guarded base.

We have previously recognized that military readiness and security considerations to meet possible wartime or emergency conditions is an actual need justifying restrictions on competition in appropriate circumstances. See Pacific Sky Supply, Inc., B-221375, Apr. 3, 1986, 86-1 C.P.D. ¶ 320; General Telephone Co. of California, B-189430, July 6, 1978, 78-2 C.P.D. ¶ 9. In its comments to the agency report, Southwestern does not dispute the need for telephone service which fulfills military emergency and security needs. Rather, it argues that since the telephone service is connected to the outside world, that service will be affected by problems outside the base in any event. However, while this may be true, it does not respond to the Air Force's need for an internal on-base communications system that will not be adversely affected by events occurring off the installation. This maximizes the security of the system and provides the potential to keep intra-base lines open in adverse situations.

Southwestern also asserts that it is prevented under existing law from providing the services solicited by the Air Force. However, the fact that Southwestern may not be able to meet the specification does not establish its unreasonableness. The number of possible sources for an item or service does not determine the restrictiveness of specifications. Mid-Atlantic Service & Supply Corp., B-218416, July 25, 1985, 85-2 C.P.D. ¶ 86. The record indicates that the Air Force received several offers under this RFP.

Since Southwestern concedes that the on-base switching requirement effectively precludes it from competing, our determination that the RFP requirement was reasonable is

dispositive and we need not consider Southwestern's other contention that the end-to-end service requirement is unduly restrictive.

We deny the protest.

for Seymour E. ...
Harry R. Van Cleve
General Counsel