



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Alan Scott Division, United Instrument
Corporation
File: B-225963
Date: March 23, 1987

DIGEST

General Accounting Office (GAO) dismisses protest that specifications exceed procuring activity's minimum needs, that drawings are incomplete, and that activity improperly refused to supply samples where the protester does not produce any evidence to support its general allegations. GAO has previously considered virtually identical protests and repeatedly advised the protester that it has the burden of proof.

DECISION

Alan Scott Division, United Instrument Corporation, protests any award of a contract under request for proposals (RFP) No. DLA120-87-R-0072, issued by the Defense Logistics Agency's Defense Personnel Support Center, Philadelphia, Pennsylvania, for medical instruments.

The protester alleges, in broad, general terms, that the specifications, drawing dimensions, and tolerances exceed the agency's minimum needs and are improperly based on one source of supply. At the same time the protester alleges that those drawings do not provide the dimensions required to produce necessary tooling. The protester also alleges that the agency has refused to supply samples of the specified instruments.

The solicitation contains a detailed description of the requested instrument (retractor, abdominal, Balfour self-retaining, 10-1/2 inch) referencing the applicable military specification. The agency states that its policy is not to provide production drawings, but rather to give overall dimensions, derived from different sources, for each part, so as to describe the item desired. It asserts that an experienced manufacturer would have no difficulty in making production drawings from the drawing included in the solicitation. This assertion is supported by the fact that four

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offerors responded to the solicitation without taking any exception to the specifications and drawing. With respect to the protester's contentions that samples are not available, the agency asserts that it has no objection to providing general samples, but that it is not required, as the protester argues, to provide samples of an acceptable item.

We have repeatedly advised this protester in virtually identical protests involving the Defense Logistics Agency's procurement of medical instruments that it has the burden of affirmatively proving its case. Our Office will not conduct an investigation to establish whether a protester's speculative statements are valid. Here, as in the past, the protester has not furnished any evidence, in either its initial protest or its comments, in support of its general allegations. See, e.g., Alan Scott Industries, B-223121.2, et al., Aug. 6, 1986, 86-2 CPD ¶ 163, aff'd on reconsideration, Sept. 10, 1986, 86-2 CPD ¶ 281. In our opinion, no useful purpose would be served by further consideration of the issues previously raised. See Ingersoll-Rand Co., B-225052, Jan. 27, 1987, 87-1 CPD ¶ ____; Canon U.S.A., Inc., B-213554, Aug. 20, 1984, 84-2 CPD ¶ 195 at 7.

The protest is dismissed.



Ronald Berger
Deputy Associate
General Counsel