The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Government Systems Integration Corporation

File: B-227065

Date: August 7, 1987

DIGEST

1. In procurement for automatic data processing equipment, contracting agency reasonably may require offerors to demonstrate that offered equipment has current capacity sufficient to meet the agency's projected increased future demand in order to ensure that sufficient capacity will be available when needed.

2. In procurement for automatic data processing equipment, contracting agency properly may calculate the cost of additional software required by offerors proposing certain type of equipment based on the assumption that the software will be required for a 5-year period, and need not prorate the software costs based on protester's unsupported assurance that due to future developments in protester's product line, the additional software will not be needed for the entire 5-year period.

3. To the extent that protester complains about contracting agency's response to protester's request for documents under Freedom of Information Act (FOIA), protester's recourse is to pursue disclosure remedies under FOIA.

DECISION

Government Systems Integration Corporation (GSI) protests any award under request for proposals (RFP) No. F33600-86-R-0447, issued by the Air Force for automatic data processing (ADP) equipment and related software and maintenance services. GSI contends that the ADP equipment called for by the RFP exceeds the Air Force's current minimum needs and unduly restricts competition. We deny the protest.

The RFP, issued on a brand name or equal basis, called for offers to provide a computer processor, IBM model 3090-400E

or equal, as well as software support and maintenance services during the base year and 4 option years. According to the Air Force, the brand name model was selected as having the capacity necessary to meet the Air Force's projected demand over the next 5 years. To determine the acceptability of models offered as equal to the brand name, the Air Force developed a benchmark tape based on historical data and known significant variables. The RFP required that any non-brand name equipment execute the benchmark tape and match or exceed the performance data collected by executing the benchmark on the brand name model.

The brand name model is configured using one central processing unit (CPU), and therefore requires only one set of software, which would be provided by the Air Force. The RFP expressed no preference for a single CPU or any other particular configuration; rather, the critical test for determining equivalency to the brand name model was successful execution of the benchmark tape. The RFP did provide, however, that to the extent any non-brand name equipment used multiple CPUs, and therefore required additional sets of software, the Air Force would add $1.9 million per software set to the offeror's price to reflect the cost of the additional software over a 5-year period.

The Air Force states that it projected a 30 percent annual increase in current demand over the next 5 years; the brand name model specified in the RFP was selected because it had sufficient capacity to meet the Air Force's needs through the fifth year. While GSI does not object to the Air Force's estimate of increased demand GSI maintains that requiring offerors to propose equipment with the current capacity to meet future needs necessarily exceeds the Air Force's current minimum needs and unduly restricts competition.1/ The Air Force disagrees, arguing that basing the specifications in the RFP on its 5-year requirements rather than limiting them to its lower current needs is consistent with the policy set out in the Air Force Information Systems Architecture, dated May 8, 1985, which provides in pertinent part:

1/ GSI cites various provisions of the Federal Information Resources Management Regulation (FIRMR), 41 C.F.R. Chapter 201 (1986), which it claims the Air Force violated. The agency, however, conducted the procurement under the Warner Amendment, 10 U.S.C. § 2315(a) (1982), pursuant to which the Brooks Act, 40 U.S.C. § 759, and its implementing regulations, the FIRMR, do not apply. See FIRMR, 41 C.F.R. § 201-1.102-3(a).

"(1) Providing growth capacity. Forecasts of required growth capacity must be made for all Air Force information systems for at least 5 years after initial operational capability is established. . . ."

While GSI states that it could participate in the competition under the current RFP by offering dual CPU equipment equivalent to the brand name model, GSI maintains that that equipment is more expensive than the equipment it would offer if the RFP only called for equipment meeting the Air Force's lower current needs. Further, with regard to the Air Force's increased demand over the 5-year period, GSI states that at a future date it will have a new, unspecified product line available with the capacity to meet the Air Force's future needs using a single CPU. Since the new product is not currently available, however, it cannot be used to execute the benchmark tape developed by the Air Force to establish equivalency to the brand name model. GSI argues that, in order to achieve full and open competition, the Air Force is required to revise the RFP to allow GSI to propose equipment meeting only the Air Force's current needs for the base year of the contract, with options to upgrade the equipment with GSI's projected new product line as needed to meet the Air Force's increased demand in the option years. In the alternative, it appears that GSI would be satisfied if it could offer its two-CPU configuration without being assessed the full 5-year additional software cost.

Under 10 U.S.C. § 2305(a)(1)(B)(ii) (Supp. III 1985), a contracting agency may include restrictive provisions in a solicitation only to the extent necessary to meet its minimum needs. An agency's determination of its minimum needs and the best method of accommodating them will not be disturbed where there is a reasonable basis for the determination. Accordingly, a protester who contends that a solicitation unduly restricts competition must show that the challenged provisions are not reasonably related to the agency's minimum needs. International Security Technology, Inc., B-215029, Jan. 2, 1985, 85-1 CPD ¶ 6.

Here, GSI argues that it was unreasonable for the Air Force to require the offeror's equipment to have sufficient current capacity to meet the Air Force's future needs. We disagree. When appropriate, a contracting agency's minimum needs properly may include consideration of a product's capabilities that will permit the government to satisfy potential requirements that may arise in the future. Cincinnati Bell Telephone Co., 62 Comp. Gen. 124 (1983), 83-1 CPD ¶ 41. In this case, the Air Force required offerors to demonstrate through successful execution of the benchmark tape the capacity to meet its projected needs over

the 5-year period. In contrast, GSI's proposal for a basic product meeting the Air Force's current needs with future upgrades as GSI's new product line became available would include no demonstration, and therefore no assurance, of the equipment's future capacity; rather, GSI would be offering the Air Force merely the option to acquire a currently unavailable and untested product line which GSI contends will meet the Air Force's future needs. Under these circumstances, we find it was reasonable for the Air Force to require a demonstration of the equipment's capacity to meet its projected future demand in order to ensure that the capacity will be available when actually needed. See Fein-Marquart Associates, Inc., B-214652, Dec. 4, 1984, 84-2 CPD ¶ 616.

GSI also objects to the software evaluation factor in the RFP which requires adding $1.9 million to an offeror's price for each additional set of software required for equipment with a multiple CPU configuration. GSI argues that while the equipment it would offer initially would use two CPUs, GSI in the future will have available a product allowing linkage of the two CPUs into a single CPU, thus eliminating the need for a second set of software. As a result, GSI argues, it would be unreasonable to add to its price the full $1.9 million, which is based on the total cost of the second set of software over the full 5-year period, since it will not be necessary to use the second set for the entire period.

We think that the Air Force acted reasonably by computing the additional software cost for multiple CPU equipment on the assumption that it would be required for 5 years. As with its argument concerning the required capacity of the equipment, GSI's challenge to the software evaluation factor is based on the future availability of a currently nonexistent and untested product. In our view, the Air Force was not required to revise the RFP based on GSI's unsupported assurance that a product eliminating the need for the second set of software will be available at some future date. Accordingly, we see no basis to object to the software evaluation factor in the RFP.

Finally, GSI complains that the Air Force has not responded to its request under the Federal of Information Act (FOIA), 5 U.S.C. § 552 (1982), for documents relating to the protest. Since our Office has no authority to determine what information an agency must disclose in connection with a party's request to the agency under FOIA, GSI's recourse

is to pursue the disclosure remedies under FOIA. See DOD Contracts, Inc., B-224212, Dec. 8, 1986, 86-2 CPD ¶ 653.

The protest is denied.

for Ronald Berger
Harry R. Van Cleve
General Counsel