



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Economy Linen and Towel Service of Zanesville, Inc.

File: B-229806

Date: March 2, 1988

DIGEST

Geographic restriction in a solicitation for laundry and dry cleaning services for a medical center which required offeror's facility to be located within a 30-mile radius of the center unduly restricts competition where the contracting agency does not show that the restriction was needed to satisfy its minimum needs.

DECISION

Economy Linen and Towel Service of Zanesville, Inc., challenges as unduly restrictive a geographic restriction in request for proposals (RFP) No. F33601-88-R-0006, issued by the Air Force for laundry and dry cleaning services at Wright-Patterson Air Force Base Medical Center.

We sustain the protest.

The RFP requires the contractor's cleaning facility to be located within 30 miles of the Medical Center. According to the Air Force, copies of the RFP were sent to six potential offerors within the 30-mile radius. The protester was not included because its facility is located more than 30 miles from the Center. The Air Force states that the date for submission of initial proposals has been postponed indefinitely pending a decision on the protest.

Economy Linen argues that the RFP's requirement that the offeror's facility be within a 30-mile radius of the Center is arbitrary and unreasonable because it was imposed solely for administrative convenience. Economy Linen is the incumbent contractor and for 1-1/2 year has been providing the Center with laundry and dry cleaning services from its Zanesville plant, which is approximately 115 miles from the Center. That prior contract did not contain a geographic restriction. According to the protester, despite the Zanesville location, it met all scheduled pickups and

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deliveries, even in severe weather. The protester argues that the Air Force's sole reason for the geographic limitation in the current RFP is administrative convenience in performing the quarterly inspections of the contractor's facility and that this is unacceptable because it does not relate to the substantive performance of the contractor.

Contracting agencies are required to develop specifications in such a manner as to obtain full and open competition, and may include restrictive provisions only to the extent necessary to satisfy the agencies' needs. 10 U.S.C. § 2305(a)(1)(B) (Supp. III 1985). Geographic restrictions are not unduly restrictive where they are necessary to meet the agencies' minimum needs, rather than merely provide ease of administration. Malco Plastics, B-219886, Dec. 23, 1985, 85-2 CPD ¶ 701. The determination of the proper scope of a geographic restriction is a matter of judgment and discretion, involving consideration of the services being procured, past experience, market conditions and other factors. Plattsburgh Laundry and Dry Cleaning Corp., et al., 54 Comp. Gen. 29 (1974), 74-2 CPD ¶ 27. In this case, unlike the Plattsburgh and other cases relied on by the Air Force, we do not believe that the Air Force has shown that the geographic restriction is necessary to meet its minimum needs.

The Air Force first states that the geographic restriction was established because it was concerned that severe weather conditions might prevent the contractor from making scheduled deliveries. According to the Air Force, the Medical Center does not have a linen inventory sufficient to supply patients and medical personnel in the event a contractor was prevented from making a delivery. The agency does not, however, establish that the 30-mile radius restriction will alleviate its concerns or that the scope of the restriction was based on past experience or similar factors. On the contrary, the protester contends that it has performed through two winter seasons and has never missed a delivery. The Air Force has not disputed this contention. Moreover, the protester points out that no deliveries under the prior contract or the RFP take place on Sunday, indicating that the Medical Center has sufficient inventory to satisfy its needs for at least a 2-day period. While we understand the agency's concern about the reliability of deliveries from such a distant location in bad weather, the record shows that Economy Linen has not missed even one delivery in two winter seasons, and that the Center maintains a 2-day inventory. Thus, on the record before us the possibility that offerors outside of the 30-mile radius, including the protester, might be delayed for 2 or more days due to severe weather is too speculative to

show that the geographic restriction is necessary to meet the Air Force's minimum needs.

The agency states that an additional reason for the restriction is that coordinating quarterly inspections of the facility in Zanesville with the four necessary Air Force representatives has been very difficult due to the travel time required. Since we have found the Air Force's concern over delay due to weather does not on this record provide a basis on which to support the restriction, this remaining concern, which is based largely on administrative convenience, does not, standing alone, justify the geographic restriction. See Joint Committee on Printing of the Congress of the United States--Request for Advance Decision, 64 Comp. Gen. 160 (1984), 85-1 CPD ¶ 17, aff'd on reconsideration, B-212859.3, Feb. 5, 1985, 85-1 CPD ¶ 138.

Finally, the agency's assertion that adequate competition will be obtained within the 30-mile radius does not establish the reasonableness of the restriction. Rather, since the agency has not shown that the restriction is necessary to satisfy its minimum needs, it improperly excludes potential competitors outside the 30-mile radius.

Since we find that the Air Force has failed to show that the geographic restriction is necessary to meet its minimum needs, we recommend that the Air Force issue an amended solicitation without the 30-mile restriction. In addition, we find that Economy Linen is entitled to the costs of filing and pursuing the protest, including attorney's fees, since the firm has successfully challenged an unduly restrictive specification, and, as a result of our recommendation, competition will be enhanced. Southern Technologies, Inc., B-224328, Jan. 9, 1987, 87-1 CPD ¶ 42.

The protest is sustained.

for 
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of the United States