



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Pacific Bell Telephone Company

File: B-231403

Date: July 27, 1988

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

Pacific Bell Telephone Company protests certain requirements under request for proposals (RFP) No. F11624-87-R-0015, issued by the Department of the Air Force for a telecommunications system for Los Angeles Air Force Base, California. This system includes the basic digital switching system, attendant consoles, system access terminals and cabling required to connect all parts. Pacific Bell protests that the requirement for a new on-premises digital switching system and associated equipment priced on a non-tariff basis unduly restricts competition and exceeds the Air Force's minimum needs. Pacific Bell states that these requirements prevent the company from competing because, under existing law, Pacific Bell is precluded from providing such a system. We deny the protest.

The record indicates 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). This Order 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 solicitation

specifically prohibited "off-premises Centrex"^{1/} service because the Air Force 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. Pacific Bell contends that this specification expressly excludes its products and services because Pacific Bell can only provide Centrex service and Centrex service inherently originates off a customer's premises.^{2/}

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 CPD ¶ 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., 64 Comp. Gen. 528, supra.

We previously have denied a protest against a virtually identical Air Force on-base switching requirement. See Southern Bell Telephone Co., B-225375, Dec. 22, 1986, 86-2 CPD ¶ 703. In that decision, we concluded that the Air Force's requirement for on-base switching is needed for security and emergency preparedness and that this rationale provides a reasonable basis for the requirement. The Air

^{1/} "Off-premises Centrex" is where the switch is located off of the base or is not solely dedicated for official Air Force Base use.

^{2/} The Air Force has advised us that under another procurement for a telecommunications system, Southwestern Bell Telephone has offered a Centrex system to be physically located on an Air Force Base, but this proposal's acceptability is under evaluation.

Force explained, as here, that the use of a central switching office off-base, as would be provided by Pacific Bell, would require that every telephone on-base would 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.

Further, as stated in our prior decision, military readiness and security considerations to meet possible wartime or emergency conditions is an actual need justifying restrictions on competition in appropriate circumstances. See Southwestern Bell Telephone Co., B-225375, supra; Pacific Sky Supply, Inc., B-221375, Apr. 3, 1986, 86-1 CPD ¶ 320; General Telephone Co. of California, B-189430, July 6, 1978, 78-2 CPD ¶ 9. Thus, as in our prior decision, the agency's need to keep intra-base lines open in adverse situations provides a reasonable justification for the specification at issue. See Southern Bell Telephone Co., B-225375, supra.^{3/}

Pacific Bell also advises that it is precluded by existing law from providing the services solicited by the Air Force. However, the fact that Pacific Bell may not be able to meet the specification does not establish its unreasonableness. As we have indicated previously, 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 CPD ¶ 86. The record shows that the Air force received several offers under this RFP.

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

^{3/} However, while Pacific Bell acknowledges the need for telephone service which fulfills military emergency and security needs, the firm contends that it could propose an alternative Centrex configuration that can satisfy the Air Force's need to maintain on-base communications in emergencies. We simply note that Pacific Bell did not submit a proposal to demonstrate the acceptability of its proposed solution.

dispositive and we need not consider Pacific Bell's other contentions concerning prices on a non-tariff basis and new equipment.

We deny the protest.



James F. Hinchman
James F. Hinchman
General Counsel