

M. Davis



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: East West Research, Inc.

File: B-239620

Date: August 28, 1990

Richard Snyder, for the protester.
Philip F. Eckert, Esq., Defense Logistics Agency, for the agency.
John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Contracting agency is not required to draft a special narrative purchase description setting forth the physical and functional characteristics of a relatively simple and common item being acquired through small purchase procedures where there is no indication that use of national stock numbers and five manufacturers' part numbers failed to adequately convey agency's needs.

DECISION

East West Research, Inc. protests request for quotations (RFQ) No. DLA400-90-T-B962, issued by the Defense General Supply Center (DGSC), Defense Logistics Agency (DLA), for 7,250 pairs of clear visitor spectacles. East West contends that the agency's use of manufacturers' part numbers as an item description is improper.

We deny the protest.

The RFQ, issued pursuant to Federal Acquisition Regulation (FAR) Part 13 small purchase procedures, requested quotations for 7,250 pairs of clear visitor spectacles, identified by national stock number (NSN) 4240-00-990-8905 and five manufacturers' part numbers. DLA has provided us with the excerpts from four of these manufacturers' catalogs in which the spectacles are illustrated and described as intended to provide lightweight, temporary eye protection for visitors passing through hazardous areas in industrial plants. They are not designed for daily wear by industrial workers themselves. The solicitation permitted offerors to quote on alternate products to the part numbers listed.

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East West recommended to the DGSC buyer that the spectacles "be bought using Federal Specification GG-G-531" which is for industrial goggles and industrial plastic spectacles. DGSC replied that since it was seeking to acquire visitor spectacles rather than the protective eyewear for industrial workers, the federal specification was inapplicable and the agency would continue to use the current part number purchase description. The protester did not submit a quotation in response to the solicitation but did file a protest with our Office.^{1/}

Although it originally had suggested to DLA that this item be ordered under Federal Specification GG-G-531, East West appears to accept the agency's conclusion that the federal specification contains requirements which exceed the government's needs for visitor spectacles. The protester now contends that even if use of the federal specification is inappropriate, the agency must use a detailed purchase description pursuant to Federal Acquisition Regulation (FAR) § 10.004(b)(1), setting forth the essential physical and functional characteristics of the item in order to adequately express the government's minimum requirements.

FAR § 10.006(a) exempts contracting agencies from the requirement to use existing specifications and standards in procurements conducted under FAR Part 13, small purchase procedures. East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ 399. DLA argues that if in the case of small purchases it is specifically exempted from using already prepared and available specifications, then it should not be required to draft an entirely new and detailed purchase description in physical and functional terms. In any event, it notes that FAR § 10.004(b)(1), through the use

^{1/} This is at least the third protest by East West of a DLA procurement of protective spectacles or goggles. East West's prior protests were filed after its quotations of visitor items in response to RFQ's for industrial items had been rejected--the reverse of the instant protest, in which it has suggested the use of a federal specification for industrial items to satisfy a need for visitor items. Although we dismissed East West's prior protests as untimely, we also noted the distinction between items intended for full time daily use by industrial workers and those intended for one-time use by casual visitors and indicated that the protester had not shown DLA's action to be erroneous. East West Research, Inc., B-235031; B-235032, July 6, 1989, 89-2 CPD ¶ 20; East West Research, Inc., B-236515, Nov. 30, 1989, 89-2 CPD ¶ 510.

of the word "may," permits but does not require the use of such a purchase description.

We agree that under the circumstances of this case the preparation of such a detailed purchase description is not required. In small purchases, as here, the FAR requires contracting officers to solicit quotations from a reasonable number of qualified sources to ensure that the purchase is advantageous to the government, price and other factors considered. FAR § 13.106(b)(1) (FAC 84-5). Generally, the solicitation of three suppliers is sufficient. FAR § 13.106(b)(5). Here, the solicitation identifies five different manufacturing sources and also permits offerors to quote on alternate products. The protester does not profess any difficulty in understanding the government's needs for this relatively simple and common type of item which is carried in the product lines of a number of manufacturers, including one whose products the protester has offered in the past. Under these circumstances, the agency's needs appear adequately described through the use of manufacturers' part numbers without a narrative description.

In response to prior similar protests by East West, in which it argued that DLA should use a military specification or published industry standards as item descriptions instead of manufacturers' part numbers, we stated:

"We believe that the use of a national stock number, when vendors may offer equal items, is consistent with the reason Congress authorized small purchase procedures--'to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors.' 10 U.S.C. § 2304(g)(1). . . . Except in egregious situations, such as when it is unclear what item a part number applies to so that vendors cannot propose equal items . . . the approach followed by DLA here is appropriate. East West has not shown that the use of part numbers to purchase [the items] sought by DLA prevent[s] East West and other vendors from offering equal items. Consequently, we cannot object to the agency's item descriptions."

East West Research, Inc., B-238177 et al., supra. The same considerations apply here.

The protest is denied.



for James F. Hinchman
General Counsel