

715. Timmerman



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: East West Research, Inc.

File: B-238234.2; B-239682

Date: September 17, 1990

Richard Snyder for the protester.
Barry Sax, Esq., Donald S. Tracy, Esq., and
Philip F. Eckert, Jr., Esq., Defense Logistics Agency, for
the agency.
Barbara R. Timmerman, Esq., and James A. Spangenberg, Esq.,
Office of the General Counsel, GAO, participated in the
preparation of the decision.

DIGEST

Agency may use manufacturers' part number or national stock number as an item description under a procurement of a relatively simple and common item conducted through small purchase procedures where there is no indication that such identification failed to convey the agency's needs.

DECISION

East West Research, Inc. protests the terms of request for quotations (RFQ) Nos. DLA400-90-T-3909 (RFQ-3909) and DLA400-90-T-A662 (RFQ-A662), issued by the Defense General Supply Center, Defense Logistics Agency. East West contends that the agency's item descriptions are inadequate because they do not contain detailed purchase descriptions.

We deny the protests.

Both RFQ's were issued pursuant to Federal Acquisition Regulation (FAR) Part 13 small purchase procedures. RFQ-3909 requested quotations for 2,298 abrasive wheels, national stock number (NSN) 3460-01-306-0571, Norton Co. part No. K1139260. RFQ-A662 requested quotes for 1,050 welders helmet lenses, NSN 4240-01-111-2214, American National Standards Institute (ANSI) standard No. Z87.1-1989. Both solicitations permitted offerors to quote on alternate products.

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East West filed an earlier protest with our Office against the solicitation for abrasive wheels. East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ 399. In that protest East West contended that the abrasive wheels should be procured using ANSI standards as the item description. We denied that protest because FAR § 10.006(a) (FAC 84-53) specifically exempts small purchases from the requirements to use military or other federal specifications, one of which included the ANSI standard East West contended was applicable. This protest of the abrasive wheel purchase was filed after the agency reissued the solicitation to obtain updated quotations.

In these protests, East West initially contended that the abrasive wheels and welders helmet lenses should be ordered using certain federal specifications listed in the General Services Administration's Index of Federal Specifications, Standards and Commercial Item Descriptions. We rejected this argument in the earlier protest discussed above, and do so here for the reasons discussed in that decision. Id.

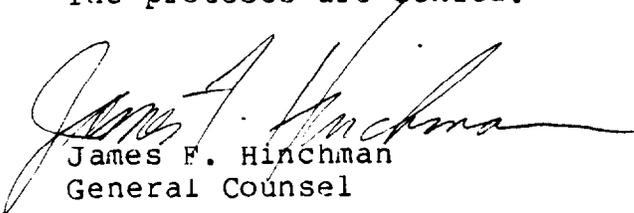
In subsequent communications, East West asserts that the agency's use of a manufacturer's part number as an item description is improper. East West states that if the agency is not required to use a federal specification it is required by FAR § 10.004(b)(1) (FAC 84-39) to use a detailed purchase description setting forth the essential physical and functional characteristics of the item in order to adequately express the government's minimum requirements.

The issue raised in this protest is identical to that resolved in East West Research, Inc., B-239620, Aug. 28, 1990, 90-2 CPD ¶ _____, which also involved the propriety of using manufacturers' part numbers as an item description instead of a detailed purchase description outlined in FAR § 10.004(b)(1). The protester here relies upon the same arguments it raised in that decision, in which we held that a contracting agency is not required to draft a special narrative purchase description setting forth the physical and functional characteristics of relatively simple and common items being acquired through small purchase procedures where there is no indication that the use of NSNs and manufacturers' part numbers fails to adequately convey the agency's needs. Contrary to the protester's argument, FAR § 10.004(b)(1) does not, in our view, require another result. FAR § 10.004(b)(1) applies to all procurements and states that brand name or equal purchase descriptions "should be used only when an adequate specification or more

detailed description" is not feasible in the time available. We do not understand that language to require detailed purchase descriptions for all small purchases. Such a requirement would be inconsistent with Congress' expressed intention in mandating the use of 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) (1988); East West Research, Inc., B-238177 et al., supra. Indeed, under small purchase procedures quotations are generally solicited orally, see FAR § 13.106(b)(2) (FAC 84-28), and the detailed narrative purchase descriptions suggested by East West would usually be impractical in those cases.

While a detailed narrative description of items may be appropriate for some requirements procured under small purchase procedures, such as where vendors cannot offer equal items without more information about the agency's requirements, see East West Research, Inc., B-238177 et al., supra, there is no indication this is the case for the relatively simple and common items that are the subject of East West's protests here.

The protests are denied.


James F. Hinchman
General Counsel