



Comptroller General  
of the United States

Washington, D.C. 20548

145115  
Arsenoff

## Decision

**Matter of:** Otero County Electric Cooperative

**File:** B-244353

**Date:** October 15, 1991

R.R. Flowers, Jr., Esq., Fairfield, Farrow, Hunt, Reecer & Strotz, for the protester,  
David B. Dempsey, Esq., Akin, Gump, Strauss, Hauer & Feld, for El Paso Electric Company, an interested party,  
Gregory H. Petkoff, Esq., Department of the Air Force, for the agency,  
Robert Arsenoff, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Protest against agency plans to augment a portion of an installation's power system by linking it to the existing power system is denied where the decision is reasonably based and the proposed use of an existing requirements contract does not exceed the scope of that contract.

### DECISION

Otero County Electric Cooperative protests the Air Force's plans to supply electricity to the western portion of Holloman Air Force Base, New Mexico, by locating a substation in the northern part of that area and, beginning in February 1992, tying that substation to the base's existing power system supplied by El Paso Electric Company under a contract expiring in March 1994. Otero essentially alleges that the agency is required to compete any requirements it may have for electrical power in the western portion of Holloman.

We deny the protest.

Incident to a decision to transfer the Air Force's single F-117 aircraft wing to Holloman by February 1992, the agency began plans to develop the western portion of the base; the new facilities development is being conducted through competitive procurements by the Army Corps of Engineers and includes plans for a new electrical substation. In April 1990, at the Air Force's request, a technical contractor from the Corps studied ways to meet

anticipated increases in the base's electrical power load which was then expected to increase by about 5.4 megawatts (MW) as a result of the expansion to accommodate the F-117s. The study included a review of options put forth by three potential electric suppliers, including the incumbent El Paso and Otero.

According to the Air Force, based on the November 1990 results of the study, the agency initially decided to locate the substation in the southern part of the area to be developed and supply it with electricity through a new 115 kilovolt (KV) transmission line from the south to be designed, owned and operated by the provider of power. In view of the "future requirements" provision in El Paso's contract,<sup>1</sup> the Air Force began negotiations with the incumbent to construct the line, but these ended without agreement. On April 24, 1991, a notice was published in the Commerce Business Daily (CBD) indicating that a competitive solicitation would be issued for the project approximately May 24.

Following the CBD announcement, the Air Force reports that its engineering staff began to investigate contingency plans to preclude potential delays in the project. This investigation included consultation with the engineering firm that produced the original study of Holloman's electrical needs. As a result, the agency concluded that the new substation should be moved to the northern part of the area and be serviced by El Paso, essentially from the current 115KV lines on the base<sup>2</sup> to improve the base's power system and to be more centrally-located to provide for future expansion. In addition, certain ventilation requirements on the F-117 hangars to be constructed were deleted, reducing the anticipated load somewhat in the western area; these reductions, combined with other local reductions anticipated

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<sup>1</sup> El Paso is presently providing approximately 13MW per year to Holloman under contract No. F29651-84-D-0011 which contains the following clause:

"Any future load requirements the Government may have shall be negotiated and incorporated in this contract by Supplemental Agreement."

The Air Force plans to recompute the total base requirements covered by this contract in 1994.

<sup>2</sup> Under the plan as presently formulated, a relatively short government-owned 115KV line, along with a longer 13KV line, will be required.

by agency engineers, were expected to reduce the additional electrical load to the area under development to approximately 2.5MW. Also, the Air Force reports that when newly-directed reductions in T-38 and F-15 aircraft at Holloman are considered, the total electrical consumption at the base is expected to change very little and could possibly decrease. As a result, the agency decided not to issue the proposed solicitation which had earlier been announced for a portion of the base, but decided instead to compete its total base requirements in 1994 when El Paso's contract expires.

As indicated above, Otero essentially challenges the decision to relocate the proposed substation to the north. In support of its position the protester expresses disagreement with some of the technical conclusions reached by the agency's engineers regarding the location of the substation and the best means to power it, and suggests that the allegedly hurried revision of the Air Force's original plans to locate the station further south is little more than an improper avoidance of statutory requirements to compete a portion of its requirements for electricity before 1994.

The new plans are the product of consultation with the engineers who conducted the original study of Holloman's power needs--the same study the protester now relies on to express its disagreements with the agency--and they reflect consideration of circumstances which changed after the study was issued including the desirability of a more centrally-located substation to service future base development on a permanent basis and the elimination of electrical requirements incident to T-38 and F-15 aircraft which are being sent elsewhere. The protester's position does not address the changed circumstances. Thus, while the protester maintains that the Air Force's current approach is not the most efficient or reliable technical solution to the base's new power requirements, it has not shown that the agency's plans for the entire base are unreasonable. Under the

circumstances, we find that the agency's technical judgment is reasonable.<sup>3</sup>

Given that the agency's approach is reasonable, it can properly decide to have its requirements satisfied through the existing contract with El Paso so long as those requirements are within the scope of that contract. The record indicates that the 10-year requirements contract was awarded on March 1, 1984, to supply Holloman with electricity as "requested by the Government," and that it covers all of the base including the western portion under development. According to the 1990 study of Holloman's electrical needs, El Paso is presently providing 13 MW per year under the contract. It further appears that the electrical needs of the installation are subject to some degree of variation from year-to-year. By including a clause which covers "[a]ny future load requirements the Government may have," the parties clearly contemplated the possibility of potential expansion at the time the contract was awarded.

Under these circumstances, we find that the Air Force's planned electrical requirements, which may or may not result in an increased load to the base, fall within the scope of the present contract. The protester has provided no legal authority suggesting a contrary result. Accordingly, we have no basis to object to the proposed use of El Paso's contract or to require a separate competition for part of the agency's overall electrical needs as Otero urges. Stanford Telecommunications, Inc., B-241449, Dec. 10, 1990, 90-2 CPD ¶ 475.

The protest is denied.

  
for James F. Hinchman  
General Counsel

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<sup>3</sup> The fact that initial plans for a competitive procurement were synopsised but later changed does not itself give rise to a protestable issue. See Rotair Indus., Inc., B-231439; B-231440; B-231441, Sept. 8, 1988, 88-2 CPD ¶ 221.