



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: AT&T

File: B-253069

Date: June 21, 1993

Eloisa Regalado, Esq., for the protester,
Michael W. Clancy, Esq., Pettit & Martin, for GTE Government
Systems Corporation, an interested party,
Jo H. Dubose, Esq., Defense Logistics Agency, for the
agency,
Andrew T. Pogany, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

1. Protest that solicitation specification for multi-frequency signaling capability allowing for precedence and preemption for telecommunication traffic in procurement for telephone switching system unduly restricts competition is denied where agency shows, and protester fails to rebut, that the specification is reasonably related to the agency's minimum needs because only the specified capability will provide the required precedence and preemption required by the agency.
2. An otherwise legitimate specification requirement is not unduly restrictive simply because a potential offeror cannot meet it.

DECISION

AT&T protests the specifications in request for proposals (RFP) No. DLAH00-93-R-0034, issued by the Defense Logistics Agency (DLA) for a telephone switching system, peripherals and services for several federal facilities in the Columbus, Ohio area. AT&T complains that a mandatory requirement in the solicitation for a specified multi-frequency signaling capability which allows precedence and preemption for telecommunication traffic over interswitch trunks (interoffice signaling) unduly restricts competition because the capability can be accomplished by use of a different signaling system. AT&T states that it is unnecessarily being eliminated from the competition since it cannot offer the required signaling capability.

We deny the protest.

The RFP, as amended, solicited proposals for a telephone switching system known as the Columbus Community Telephone Switching System. The RFP requires the successful contractor to engineer, install, test, and maintain the system which will serve the voice/data telephone needs of DLA and other agencies in the Columbus, Ohio area. The RFP requires the system to have a capacity of 12,500 ports (composite trunk and line requirements) and to be expandable to 20,000 ports.¹ Section C of the RFP contains the specifications for the system which are mandatory and which must be met by an offeror to be "considered technically responsive." Section C requires the system to have interface capability (compatibility) with, among other things, the commercial telephone network and the Defense Switched Network (DSN) which is a telecommunications system providing end-to-end common user and dedicated telephone service for the Department of Defense (DOD).

As relevant here, Section C contains specifications requiring the system to "accept, utilize and output standard dual tone multi-frequencies (DTMF) and DSN 2 of 6."² The specifications also require the system "to handle MLPP [Multi-Level Precedence and Preemption]."³ Simply stated, the RFP requires that the system initiate and receive preemptive calls (MLPP) and also requires that preemptive calls employ MF 2 of 6 signaling. Since the protester cannot meet this requirement, it filed this protest prior to the closing date for receipt of proposals.

¹One port equals 1 line or trunk termination in the system.

²DTMF is a signaling method employing low and high frequencies used by subscribers to identify telephone address digits, precedence ranks, and end of signaling. DSN 2 of 6 (also known as MF 2 of 6) is a signaling method used for interoffice signaling over the interswitch trunk which links switching centers.

³Preemption or MLPP capability is designed to provide a priority means of communications within military agencies so that urgent command and control functions, including war emergency information, can be disseminated in a timely manner. Preemption is the process of electronically seizing a trunk or line which is in use. Technically, in order for preemption to occur, the particular line or trunk must be conditioned for preemption and the call being originated must have a higher preemption capability than the call using the trunk or line to be seized. Precedence, on the other hand, refers to a ranking assigned to identify the degree of preference to be given in the processing and protection of calls.

The protester complains that the specification requiring both DTMF and MF 2 of 6 is restrictive of competition and inconsistent with the Defense Switched Network Generic Switching Requirements (DCEC R610-001) which permits trunks to be "programmable for transmitting and/or receiving either MF 2 of 6 or DTMF." In its comments, the protester states that it does not challenge any of the agency's mandatory requirements except for MF 2 of 6; the protester believes that the agency's needs can be met--without MF 2 of 6--by simply employing DTMF frequencies. In support of its position, the protester states that it has been providing outgoing "precedence" calls as the incumbent by using DTMF only.

The Competition in Contracting Act of 1984 requires that agencies specify their needs and solicit offers in a manner designed to achieve full and open competition, 10 U.S.C. § 2305(a)(1)(A)(i) (1988), and include restrictive solicitation provisions only to the extent necessary, 10 U.S.C. § 2305(a)(1)(B)(ii). Where a protester challenges a specification as unduly restrictive of competition, we will review the record to determine whether the restrictions imposed are reasonably related to the agency's minimum needs. NITCO, B-246185.3, Sept. 17, 1992, 92-2 CPD ¶ 183. A specification is not improper merely because a potential offeror cannot meet its requirements. Target Fin. Corp., B-228131, Nov. 23, 1987, 87-2 CPD ¶ 506.

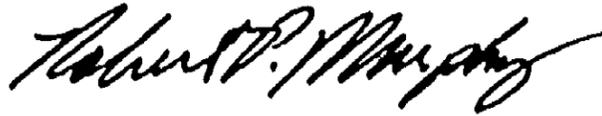
The record shows that MF 2 of 6 frequencies are necessary for preemptive calls which interface with the DSN network since that network uses MF 2 of 6 frequencies.⁴ According to the Lead DSN Test Engineer, Defense Information Systems Agency (DISA), there is essentially a 100 percent success rate for placing a "precedence" call into the DSN using trunks with DTMF signaling. However, there is a 100 percent failure rate of "preemptions" into the DSN on these trunks with DTMF signaling. The record contains a technical

⁴In this connection, we note that while the protester claims to have provided "precedence" calls on the DSN network since the system was designed, the protester has never stated that it can satisfy the agency's requirement here for "preemption" or MLPP capability as required by the RFP. We further note that the agency states, and the protester agrees, that the Defense Switched Network Generic Switching Requirements (DCEC R610-001) are not mandatory specifications but are merely a technical guide which may or may not be followed by a procuring agency in a particular procurement.

explanation, involving the architecture of the DSN, which allows preemption only on trunks that use MF signaling. The protester did not seek to rebut these technical explanations by the agency. Rather, the protester complains that in February 1992, its representatives attended a meeting with DISA representatives in which DISA allegedly stated that MF 2 of 6 was "not a core requirement . . . and was of low priority." As a result, the protester allegedly discontinued development of this capability and states that consequently it has now been unfairly excluded from competing.

The meeting between the protester and DISA concerned the minimal compliance requirements to meet DOD's telecommunications needs generally. DISA did not discuss the particular needs of an agency in a particular solicitation. While it is unfortunate that the protester's business decision resulting from the meeting limited its ability to compete for this procurement, that fact does not render the solicitation restrictive. See Target Fin. Corp., supra.

The protest is denied.



James F. Hinchman
General Counsel