



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Isratex, Inc.

File: B-261492.2

Date: October 18, 1995

DECISION

Isratex, Inc. protests the terms of request for proposals (RFP) No. SPO100-95-R-0056, issued by the Defense Logistics Agency (DLA), Defense Personnel Support Center, Philadelphia, Pennsylvania, for modular sleeping bags. Isratex essentially contends that the RFP's specifications are insufficient to allow Isratex to prepare an acceptable offer.

We dismiss the protest.

The RFP contemplates a firm-fixed-price contract for a quantity of 230,000 modular sleeping bags, with option quantities. The specifications describe a two-component sleeping bag, including a lightweight patrol bag for use in a specified temperature range and an intermediate cold weather bag for use in a colder, specified temperature range. The description specifies such performance features as the ability to combine the two sleeping bag components to create an extreme cold weather bag (for use at a designated temperature), a maximum gross weight for the two sleeping bags, and compatibility with a stuff sack, a military backpack, and a bivy cover. The specifications describe the salient characteristics of the component bags at length, including applicable commercial and military standards.

The specifications at issue are based on the performance specifications developed during an earlier Marine Corps procurement of the same item and were designated as Commercial Item Descriptions (CID) in both procurements. After obtaining the product description from the Marine Corps, DLA made further technical clarifications to the specifications. The RFP was synopsisized in the Commerce Business Daily and 62 firms were solicited. The agency has received four offers, which include Product Demonstration Models.¹ Isratex did not submit an offer.

¹The agency is aware of at least four other manufacturers which can produce or offer sleeping bags similar to the type solicited here, but which did not submit offers.

As a preliminary matter, we note that Isratex was not one of the suppliers specifically consulted by the Marine Corps, or by the agency here, during the development of the specifications because Isratex does not produce commercially available modular sleeping bags with the required salient characteristics.² However, here, as in the prior procurement, the agency took steps to maximize participation by the industry in the specification development process; it invited the participation of any interested firm, including Isratex, through market research, informal contacts and by formal synopsis of the requirement. The RFP invited offerors to submit "beneficial comments, recommendations, additions, deletions, clarifications, etc." to the agency; Isratex thus could have commented on the specifications and sought clarification of the requirements but apparently chose not to do so.

Isratex's protest raises the same issues as, and indeed is virtually verbatim to, a previous protest it filed against the basically identical specification employed in the earlier Marine Corps procurement.³ We denied that protest, Isratex, Inc., B-253691, Oct. 13, 1993, 93-2 CPD ¶ 221, finding that Isratex's complaint primarily reflected Isratex's desire for detailed design specifications, and that the performance specifications used, rather than being impermissibly vague, properly allowed a variety of design approaches to meet the performance requirements. We concluded that the use of such performance specifications is consistent with the statutory preference for stating requirements in this manner, and in fact generally broadens competition more than the detailed design specifications advocated by the protester. Id., 10 U.S.C. § 2305(a)(1)(C)(ii) (1994); Federal Acquisition Regulation (FAR) §§ 10.002 and 10.004. While Isratex continues to allege that the specifications are insufficiently descriptive, it has provided no details, explanation, or examples, as to why this is so, and has not specifically alleged or attempted to show that our prior decision was erroneous. Also, although it may be, as Isratex further alleges, that no manufacturer's commercial product meets all requirements

²Isratex is currently providing the agency with the Extreme Cold Weather Sleep System (ECWSS), which is based on numerous detailed military specifications and engineering drawings/patterns. The modular sleeping bag being procured here is replacing the ECWSS manufactured by Isratex, as well as other types of sleeping bags based on military specifications. The modular sleeping bag is less bulky and weighs less than the ECWSS, and is intended to provide improved performance over a wider range of temperatures.

³DLA refined and updated the CID in a manner not material to Isratex's protest.

stated in the specifications, DLA states, and Istratex does not rebut, that numerous manufacturers of commercially available multi-layered sleeping bag systems can meet the CID requirements with minor modifications to their sleeping bags.

The protest is dismissed.

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