



Comptroller General
of the United States
Washington, D.C. 20548

Decision

PR

Matter of: TSI Microelectronics Corp.
File: B-245302
Date: August 29, 1991

Robert Bland for the protester.
Christina Sklarew, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest is dismissed where the identical issue concerning the sole-source procurement of certain replacement parts was considered and denied by our Office in a recently decided protest involving the same parties.

DECISION

TSI Microelectronics Corp. protests the noncompetitive procurement of a particular microcircuit under solicitation No. DLA900-91-R-A163, which was issued by the Defense Electronics Supply Center (DESC), a purchasing activity of the Defense Logistics Agency. The microcircuit is used in computers on the F-14 aircraft that are involved in navigation and weapons fire control. TSI contends that it is able to produce an alternate part, and that the agency cannot justify restricting the procurement to the original source of supply as it has done under this solicitation.

We dismiss the protest.

TSI previously protested solicitation No. DLA900-91-A163, which was for the same microcircuit, on the same basis. We denied TSI's protest in TSI Microelectronics Corp., B-243889, Aug. 20, 1991, 91-2 CPD ¶ _____. We pointed out that the Competition in Contracting Act of 1984 permits noncompetitive acquisitions where the contracting agency has reasonably determined that the required item is available from only one responsible source. 10 U.S.C. § 2304(c)(1) (1988); Elbit Computers, Ltd., 69 Comp. Gen. 591 (1990) 90-2 CPD ¶ 26. Moreover, we found that DESC had complied with CICA's procedural requirements regarding the sole-source acquisition and that it was reasonable for DESC to conclude under the circumstances of that procurement that the original

manufacturer was the only reliable source available for the part because only that firm has access to technical data that is necessary to successfully produce the part.

In this protest, TSI raises the same issues, with virtually identical arguments, contending again that the microcircuits should not be procured under a sole-source procurement. No purpose would be served by our reconsideration of this same issue in a protest of a procurement for the same item involving the same parties. See East West Research Inc., B-243623, Apr. 29, 1991, 91-1 CPD ¶ 421.

The protest is dismissed.



Michael R. Golden
Assistant General Counsel