

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-212859.3 **DATE:** February 5, 1985
MATTER OF: Fry Communications, Inc.-Request for
Reconsideration
DIGEST:

GAO affirms prior decision permitting Government Printing Office to conduct 6-month test in order to compare geographically restricted procurements with non-geographically restricted procurements when request for reconsideration alleges in general terms, but does not show, that GPO already has sufficient information to show that restrictions are not justified.

Fry Communications, Inc., requests reconsideration of our decision addressed to the Joint Committee on Printing of the Congress of the United States - Request for Advance Decision, B-212859.2, Dec. 21, 1984, 64 Comp. Gen. ____, 84-2 CPD ¶ ____. We affirm our prior decision.

In our decision, we stated that we had no objection to the Joint Committee on Printing's (JCP) proceeding with the second part of a two-part test comparing non-geographically restricted with geographically restricted contracts in the Washington, D.C. area. The sole purpose of the test, which involves two of four area contracts, is to gather data to enable the JCP to reevaluate its policy with regard to regional restrictions on the procurement of commercial printing by the Government Printing Office (GPO). In particular, the JCP plans to examine data relating to the GPO's operations, the impact of contract specifications, patterns of agency requirements, contractor acceptance/rejection factors, contractor performance trends, and statistically significant correlations between these factors.

As our decision states, we have long held that in the absence of a specific statute or regulation mandating their establishment, a procuring agency such as the GPO may impose geographic restrictions on competition only if those

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limitations are justified by relevant factors such as service and timeliness. In any other case, the use of arbitrary geographic boundaries is inconsistent with federal procurement statutes and regulations that mandate full and free competition.

We therefore recommended that if at the end of 6 months the results of the test do not justify the use of geographic restrictions in GPO contracts, the JCP should eliminate those restrictions.

In its request for reconsideration, Fry contends that the JCP already has ample evidence that GPO's minimum needs can be satisfied without geographic restrictions, based on at least two non-geographically restricted contracts performed during a recent 6-month period by contractors (including Fry) located both within and outside the Washington, D.C. area. This information, Fry indicates, can be compared with data on restricted procurements conducted in the same region between 1982 and 1984. Fry argues that GPO therefore should not be permitted to continue to exclude contractors from outside the region in order to collect additional data. It also reiterates arguments, submitted during our initial consideration of the JCP's request for an advance decision, that such a procurement policy is not permissible under GPO's own regulations, which permit restricted bidding areas to be used "only when absolutely necessary."

In our decision of December 21, we in essence agreed that geographic restrictions generally are not permissible, but saw no reason not to permit the 6-month test. Although Fry states now that the JCP has all necessary data, Fry has not shown that between 1982 and 1984 GPO in fact collected and now has data so that the test would be unnecessary. From the record before us, we cannot conclude that the test is inappropriate.

We therefore affirm our prior decision.

Milton J. Fowler
for Comptroller General
of the United States