



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: T&S Products, Inc.

File: B-272291

Date: September 13, 1996

Richard D. Lieberman, Esq., Sullivan & Worcester, for the protester.
James D. Connors, for Sealed Air Corp., an intervenor.
David L. Frecker, Esq., General Services Administration, for the agency.
Mary G. Curcio, Esq., and John M. Melody, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest that requirement for diskette mailers with a pressure sensitive adhesive seal covered by a liner (*i.e.*, a "peel seal") exceeds agency's minimum needs and is restrictive of competition is denied where agency demonstrates that the requirement is reasonably necessary to meet need for security and convenience.

DECISION

T&S Products, Inc. protests the terms of General Services Administration (GSA) invitation for bids (IFB) No. 2FYS-BN-96-0010-N, with respect to diskette mailers.

We deny the protest.

T&S argues that the requirement for the method of closing the diskette mailer—a flap with a pressure sensitive adhesive covered by a removable peel seal—unnecessarily restricts competition, since it excludes T&S's self-locking diskette mailers which lock without adhesive (edges are folded and inserted into slits). T&S asks that the IFB be amended accordingly.

GSA explains that the mailers are being purchased at the request of and for resale to the United States Postal Service (USPS), which will sell them to retail customers in post offices throughout the United States. The technical requirements for the mailers were determined through meetings and discussions between the GSA and USPS, as well as an industry survey. The survey showed that there were three commonly used methods of closure, including the peel seal method specified by the solicitation, and the self-locking method advocated by the protester. USPS rejected the self-locking method on the basis that, since the closure is not secure, the contents could be lost, damaged, or (since the mailers can easily be opened and reclosed) tampered with. To remedy the potential problems of accidental or

intentional loss or damage to the diskettes in the self-locking mailers, customers would have to take the additional step of taping or gluing the mailer, which would be inconvenient for the customer. USPS concluded that the requirements for maximum security and customer convenience dictated the use of the peel seal mailers.

Where a protester challenges a specification as unduly restrictive of competition, the agency must establish that it is reasonably necessary to meet the agency's minimum needs. T&S Prods., Inc., B-261852, Oct. 4, 1995, 95-2 CPD ¶ 161. The peel and seal restriction is reasonable here. First, GSA has established that the peel and seal mailers are preferable to the self-locking type with regard to security and convenience; T&S has not shown otherwise. We see no reason why GSA cannot properly restrict the IFB to the preferable peel and seal mailers; USPS has a legitimate need to supply its customers with products that will both safeguard mailed items--to ensure customer satisfaction and protect itself against liability for lost or damaged items--and provide maximum convenience. See T&S Prods., Inc., supra; T&S Prods., Inc., B-261287, Aug. 14, 1995, 96-2 CPD ¶ ____.

T&S cites the fact that USPS currently utilizes self-locking diskette mailers--in particular T&S points to a contract with USPS in Birmingham--as evidence that there in fact is no legitimate basis for excluding its self-locking mailers here.

Each post office is responsible for procuring its own supplies, and until recently did so from independent sources. Since 1993-94, GSA has been used as a primary source of supply for packaging products, but it is not a mandatory source of supply and individual post offices thus still may purchase supplies from other sources. It is well-established, however, that each procurement stands on its own, Digital Sys. Group, Inc., B-258262.2, Jan. 20, 1995, 95-1 CPD ¶ 30, and the fact that not all individual post offices have made the same determination as USPS and GSA regarding diskette mailers does not invalidate that otherwise reasonable determination.¹

The protest is denied.

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¹T&S also argues that the requirement that the mailer have a static liner is ambiguous. Since we have determined that T&S's self-locking mailers properly were excluded, and T&S does not assert that it can furnish peel and seal mailers, T&S is not a potential bidder and thus is not an interested party for purposes of challenging the liner specification. See H.L. Bouton Co., Inc., B-256014.4, Oct. 24, 1994, 94-2 CPD ¶ 149.