

91218

DECISION



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

FILE: B-184929

DATE: October 18, 1976

MATTER OF: Olympic Fastening Systems

DIGEST:

Where part is being purchased for general inventory purposes to be used for the repair of numerous weapons systems as specified in manufacturers' engineering drawings, and it is not feasible for agency to determine if substitute part is adequate for every use for which stock is maintained, agency is not required to determine whether low bidder's substitute part is equivalent to that specified, and bid may be rejected.

Olympic Fastening Systems (Olympic) protests the determination by the Defense Industrial Supply Center to reject its low bids under various invitations calling for "blind rivets." Initially, Olympic's protest included invitations calling for NAS (National Standards Association, Inc.) 1738/1739 type B and M rivets. In lieu of the specified rivets, Olympic offered its NAS-1700 series rivets, contending that its type D and M rivets were structurally interchangeable with the NAS-1738, 1739 type B and M, respectively. Subsequently, Olympic withdrew its protest on its type D rivet. It requests, however, that its protest be sustained on the type M rivet under solicitation DSA500-75-B-2607 and 2933 and DSA500-76-B-0286. As indicated, Olympic contends that it proposed a part which met the Government's requirements in every respect and, therefore, its low bids should not have been rejected as nonresponsive.

The items in question are self-plugging blind rivets to be installed when access to only one side of the joined materials is available. These rivets are used in the maintenance and repair of various weapons systems. In the case of the NAS-1738/NAS-1739, Defense Supply Agency (DSA) estimates that the rivets are utilized on approximately 100 different weapons systems, in innumerable separate and distinct applications. For each of these separate applications, DSA states that there exist drawings, technical data and the like, which instruct the mechanic exactly which rivet to use in the repair or maintenance of the weapons system.

B-184929

It is DSA's position that it is "totally impractical, if not impossible" to evaluate whether Olympic's offered rivet (or any other rivet) is interchangeable with the specified rivet. To do so, according to DSA, would necessitate an in-depth review of all the data relating to each of the separate applications for the 1738/1739 rivet. Moreover, before a new rivet could be introduced into the system for use in the specified applications, the drawings and data applicable to each application would have to be modified to authorize/instruct the mechanic regarding the acceptability of the new rivet from the particular application and a National Standards Number would have to be established for the new rivet so that it may be purchased, warehoused and distributed as required. DSA points out that this would be extremely costly and would take years to complete.

In light of these circumstances, DSA believes that an evaluation regarding the interchangeability/useability of a new rivet "can be efficiently and effectively made only at the point of the design and for manufacture of the weapons system." DSA notes, for example, an Olympic statement that certain aircraft manufacturers have switched from the 1738-39 rivet to its rivet. DSA states, however, that the drawings, tech data, and the like, for each of the applications where such a switch has been made by the manufacturers will reveal the use of the Olympic rivet and will specify the rivet to be employed in any future repair or maintenance operation with respect to that application.

With regard to the procurements involved in the instant protest, DSA points out that it is concerned with weapon systems already in existence where the drawings and tech data specify the use of the NAS-1738/NAS-1739. It points out that since the weapon systems contractor and not the Government made the designations, the Government is not aware of the various considerations which may have influenced the design engineer in the selection of a particular rivet for a particular application. DSA states that it is possible the design engineer selected a particular rivet because of a specific capability of that rivet which is nowhere reflected in the specification document. It goes on to state:

"* * * For example, the design engineer may have designated a NAS-1738 rivet over a NAS-1768 rivet because the bulb of the blind side of the NAS-1738 rivet is larger in diameter than the bulb on the comparable NAS-1768 rivet, despite the fact that the specification requirements for the

B-184929

NAS-1738 rivet as published by the National Standards Association, Inc. includes no description or requirement covering the size of the bulb on the blind side. Thus, there will forever remain the hesitancy on the part of the services to substitute one rivet for another without a complete and thorough review and evaluation of the substitute rivet in the particular application notwithstanding the similarity of the two rivets from point of view of all of the cited specification requirements. In this respect, the services have advised that the newly offered rivet must demonstrate successful performance in an application before it can be considered for use in that application."

In conclusion, DSA insists that the protest should be denied.

In response, Olympic argues that the Government has adequate information to justify the procurement of its type M rivet as a substitute for the 1738/1739 type M rivet. Moreover, Olympic states that it "refuses to believe that the U.S. Government material function is so segmented from its engineering expertise that all that can be offered is the requirement to qualify by specific application."

The key to the controversy herein, must, in the final analysis, rest upon the purpose of the procurement, the nature of the supply and distribution system involved, and the applications for which the part is maintained in inventory.

The Armed Services Procurement Regulation (ASPR) recognizes the desirability of competition for the procurement of spare parts, provided such procurement will assure the requisite safe, dependable and effective operation of the equipment. ASPR § 1-313(a). In that regard, ASPR § 1-313(c) provides in pertinent part:

"* * * The exacting performance requirements of specially designed military equipment may demand that parts be closely controlled and have proven capabilities of precise integration with the system in which they operate, to a degree that precludes the use of even apparently identical parts from new sources, since the functioning of the whole may depend on latent characteristics of each part which are not definitely known. * * *"

B-184929

Here, where the part is being purchased for general inventory purposes to be used for the repair of numerous weapon systems as specified in manufacturers' engineering drawings, we do not believe it is feasible for the agency to determine if the protester's substitute part is adequate for every one of the specified uses. Under the circumstances, we think the agency was justified in rejecting the protester's bids for the substitute part.

Accordingly, the protest is denied.

Acting


Comptroller General
of the United States