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DECISION



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

[Protest of Brand Name or Equal Solicitation]

FILE: B-197265

DATE: April 8, 1980

MATTER OF: Gerber Scientific Instrument Company

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DIGEST:

Photoplotter requirement closely reflecting features of equipment being replaced reflects agency's actual needs and is not unduly restrictive of competition. Existing magnetic tape library would be unusable if compatible (96 aperture) system is not acquired. Moreover, justification exists for additional requirements specified.

Gerber Scientific Instrument Company protests several listed salient characteristics included in a brand name or equal solicitation (DAAK21-79-B-9576) for photoplotting equipment issued by the Department of the Army, Harry Diamond Laboratories (Army).

AGC 20218

The Army requires a high precision photoplotter to make printed circuit boards and similar devices. Briefly, the photoplotter is one element of a system consisting of a number of distinct units, including a minicomputer. Using a light beam controlled through instructions received from the computer, the photoplotter draws images as directed by the system operator, creating an image on photographic film. Essentially, the Army seeks a new plotter to meet increased demand for larger plotting areas (22 1/2" by 24") than are possible using the Army's existing 16" by 20" plotter.

Gerber complains that the Army listing of salient characteristics attributable to the incumbent contractor's brand name plotter imposes an undue restriction on competition. Gerber manufactures systems using a 24 aperture wheel to control the light beam, while the

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Computervision Control System used by the Army employs 96. The Army required a 96 aperture wheel system. It also required equipment capable of circular interpolation -- i.e. a system which is capable of computing all points in a circle, and plotting the circle, once the center and radius (or diameter) are specified by the system operator. The Army asked that the system have the capability to change focus automatically, adjusting to changes in film thickness, and that it use film cassettes which can be loaded in daylight conditions. Gerber evidently offers none of these capabilities.

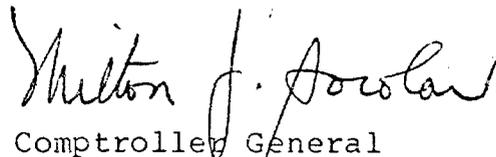
According to the Army, it has used 84 different apertures in the past. It specified a 96 aperture wheel because that is the smallest capacity industry standard wheel which can provide 84 apertures without requiring that wheels be substituted while the photoplotter is in use. Use of a single wheel, the Army notes, eliminates the need to handle a very delicate part of the plotter mechanism, preventing possible damage to or contamination of the wheel. Moreover, the Army has acquired a considerable magnetic tape library of drawings made over the past decade using the existing photoplotter. These materials are used to replot earlier designs as changes are required. Use of a non-compatible aperture wheel would make it necessary to convert or reproduce this library.

Regarding the other questions Gerber raises, the Army explains that it needs hardware (or software) which can perform circular as well as linear interpolation because it uses a large number of circular designs to produce circuit boards to be used in artillery fuses. It views the Auto Focus feature specified as significantly reducing its labor costs in setting up jobs. It routinely uses films of differing thickness, depending upon the precision required of the work being performed. Finally, the Army states that it requires daylight film loading because it does not have permanent darkroom facilities. It notes that the drafting facility using the photoplotter has been relocated 5 times during the past 9 years and will be moved again shortly. Because

photoplotting equipment using film cassettes which can be loaded and operated under daylight conditions are available at moderate prices, the Army is unwilling to accept the operational problems it would experience were it to have to build and tear down darkrooms each time it may need to relocate the facility. Even if the protester is correct that a darkroom can be set up at a minimal expense, it is properly within the discretion of the agency to decide whether to obtain such added facilities.

The procurement statutes require that contracting activities make every reasonable effort to draft specifications which permit the broadest field of competition consistent with the Government's needs. When a specification is challenged with some support as restrictive of competition, it is incumbent upon the procuring activity to establish prima facie support showing that the restriction it would impose is reasonably related to its actual needs. Constantine N. Polites & Co., B-189214, December 27, 1978, 78-2 CPD 437. If a specification is reasonable and necessary, the fact that only one firm or a few firms can meet the Government's needs does not violate competitive bidding requirements. 45 Comp. Gen. 365 (1965). Once, as here, contracting officials have established an apparently sufficient and rational basis for demanding disputed specifications, the burden of proof lies with the protester to show that the Government's insistence upon them is clearly unreasonable. Alan Scott Industries, B-193530, April 27, 1979, 79-1 CPD 294.

Gerber has not attempted to rebut the Army's defense in this case. Because we believe the Army has presented a rational basis for the disputed requirements, the protest is denied.



For the Comptroller General
of the United States