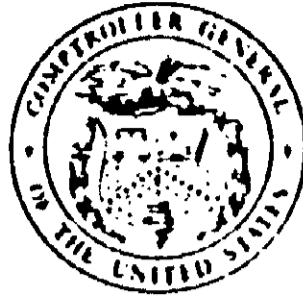


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DECISION



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

FILE: B-204364.2 **DATE:** January 8, 1982
MATTER OF: Stacor Corporation

DIGEST:

1. Supplier's protest against allegedly restrictive, sole-source specification requiring square-tube plan files is denied where the requirement is reasonably related to the contracting agency's need for maximum storage capacity in a limited storage facility and the protester has not shown that its round-tube files provide equal or greater storage capacity using the same storage method.
2. Supplier/subcontractor whose product is deemed unacceptable is not an "interested party" to protest alleged procurement procedure deficiencies which directly affect only unsuccessful offerors.

Stacor Corporation protests against the specifications and procedures used by the Department of the Navy, Military Sealift Command (Navy), in awarding a purchase order to Keuffel & Esser Company (K&E) under request for quotations (RFQ) No. N62387-1195-0011. The RFQ calls for rolltube plan files in modular cabinets and cabinet bases and specifies that each cabinet is to contain nine tubes which are to be 4-1/2 inches square.

For the reasons discussed below, we find the protest concerning the allegedly restrictive nature of the specification to be without merit; therefore, we will not consider Stacor's objections to the Navy's procurement procedures.

Although Stacor did not submit a quotation in response to the RFQ, the dealers which quoted on the RFQ offered round-tube files manufactured by Stacor. Remco Business Systems, Inc. (Remco), one of the offerors, had protested the award but subsequently withdrew its protest.

The protester essentially contends that the RFQ requirement for square-tube files, manufactured only by Plan-Hold Corporation, constitutes a sole-source specification which unduly restricts competition. Stacor argues that contrary to the Navy's assertions, its round-tube files meet or exceed the storage space provided by square-tube files and would result in a cost savings to the Government.

The Navy received quotations from three dealers, K&E, Adcom, Inc., and Remco by the July 24, 1981, closing date. Upon discovering that Remco offered round-tube files, the Navy advised Remco that a quote on square-tube files was required and, in order to ensure that offerors would be evaluated on an equal basis, the contracting agency orally requested that K&E and Adcom, Inc., submit quotes on round-tube files. However, this request was made without the knowledge of the Navy Engineering Office. As a result of this request, the Navy received the following quotations on July 31, 1981:

<u>Offeror</u>	<u>Square-tube Quotation</u>	<u>Round-tube Quotation</u>
K&E	\$37,468.54	\$32,285.97
Adcom, Inc.	38,010.00	33,328.70
Remco	40,284.72	33,953.00

All quotations are based on furnishing Stacor round-tube files and Plan-Hold square-tube files.

The Navy Engineering Office reviewed these quotations and reiterated its position that only square-tube files were acceptable, based on the severe shortage of storage space for the files and the need for maximum storage capacity within the space available. Offerors were advised of the Engineering Office determination on August 5, 1981. Award therefore was made to K&E for the square-tube files on August 31, 1981. K&E has completed performance of the contract.

Notwithstanding the Navy's oral request for quotations on round-tube files, due to the contracting agency's subsequent determination that those files were unacceptable, Stacor's complaint against the restriction is for consideration.

The Navy states that recent acquisition of ship plans under construction contracts, which exceed available file capacity by approximately 400 cubic feet and the lack of additional filing facilities, required procurement of files which provide the maximum storage capacity within the limited available space. The contracting agency insists that square-tube files offer greater plan storage space within each tube because the corner spaces are available for document storage, but the area between the round tube files is wasted because no documents can be stored and indexed in those spaces. Although Stacor argues that the Navy's calculations of the amount of available storage space and the number of plans which can be stored in each kind of tube are incorrect, the protester concedes that the round-tube file is less commodious and differs only about the quantum. While Stacor suggests that additional plans can be stored between the tubes, the protester has not refuted the Navy's contention that the cabinet indexing system does not provide for identification and easy retrieval of plans stored in this manner.

In our opinion, the Navy has adequately supported its contention that the square-tube file requirement is reasonably related to the agency's need to acquire maximum file storage space. We have consistently held that in technical disputes a protester's disagreement with the agency's opinion does not invalidate that opinion. Carolina Concrete Pipe Company, B-192361, March 4, 1981, 81-1 CPD 162; Tyco, B-194763, B-195072, August 16, 1979, 79-2 CPD 126. This ground of the protest is denied.

In view of the foregoing, Stacor's objections to the Navy's procurement procedures are dismissed because Stacor is not an "interested party" to maintain a protest concerning matters which directly affected only the unsuccessful offerors. See Die Mesh Corporation, B-192668, November 29, 1978, 78-2 CPD 374.

We deny the protest in part and dismiss it in part.

Harry R. Van Cleave
For the Comptroller General
of the United States