

DECISION



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

FILE: B-209555

DATE: November 16, 1982

MATTER OF: Security Assistance Forces &
Equipment OHG

DIGEST:

1. Protest that agency improperly solicited smoke alarms without requiring them to meet Underwriters Laboratory standards is dismissed since, in absence of fraud or willful misconduct, contention that more restrictive specifications should be used is not reviewable under GAO bid protest function.
2. Contention that specifications issued by procuring activity should be more restrictive to meet the needs of the user agency is not reviewable by GAO since matter is one to be resolved by agencies involved.

Security Assistance Forces & Equipment OHG (SAFE) protests the issuance of several solicitations by the United States Air Force's contracting office in the Federal Republic of Germany. SAFE contends the solicitations for smoke alarms do not meet the requirements of the United States Army, the agency for which the procurements are being conducted, in that they do not require the alarms to meet the standards of Underwriters Laboratory (UL). This protest is dismissed.

In essence, SAFE is contending the specifications should be restricted to those alarms which meet UL standards. However, the use of a broadened specification is not a matter of legal concern because it is consistent with the statutory requirement to broaden competition to the maximum extent permitted by the minimum needs of the agency. See Edcliff Instruments, B-205371, April 26, 1982, 82-1 CPD 380. Absent evidence of fraud or willful misconduct, neither

of which is alleged by SAFE, such a contention does not raise an issue which is reviewable under our bid protest function. See Miltope Corporation--Reconsideration, B-188342, June 9, 1977, 77-1 CPD 417, aff'd, Miltope Corporation--Reconsideration (Second), B-188342, July 1, 1977, 77-2 CPD 3.

Unlike in the Miltope line of cases, however, the protester here is not merely seeking to have the specifications narrowed; rather, SAFE in this case is asserting that the using agency's needs in fact require that narrowing. Nonetheless, this also is not a reviewable issue. It is merely an internal matter between, and which must be resolved by, the Army and the Air Force. There simply is no legal requirement, enforceable by this Office, that the Air Force use specifications requiring adherence to UL standards.

Accordingly, we dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel