

DECISION



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

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FILE: B-208661

DATE: March 8, 1983

MATTER OF: Antronix, Inc.

DIGEST:

A sole-source award is justified where the agency has an immediate need for standardized equipment, lacks the data necessary to conduct a competitive procurement, and the protester has not shown that it could satisfy the agency's needs under the circumstances.

Antronix, Inc. protests the Department of State's award of a contract on a sole-source basis to RCA, Electro Optics and Solid State Division. The procurement was for closed-circuit television (CCTV) equipment, to be used for security in U.S. diplomatic and consular missions abroad. We deny the protest.

The State Department justifies the sole-source award on the basis that the needed equipment was specially designed for it by RCA under a previous contract, and RCA is the only known source of its supply. The agency states that it made a determination to standardize CCTV equipment in 1980 in order to reduce its spare parts inventory, and to eliminate the need to retrain personnel to work with different equipment as well as the need to continually rewire security systems to adapt to non-standard equipment. It has already purchased 158 pieces of the RCA equipment under the previous contract.

Antronix apparently does not object to the purchase of standardized equipment. Rather, it asserts that the CCTV systems supplied by RCA consist of modified off-the-shelf equipment, and contends that it is just as capable as RCA of making the necessary modifications. Antronix says RCA told it that the modifications are fairly simple.

Both the State Department and RCA disagree with the protester's contention. The agency states that to be utilized at missions abroad, standard model RCA CCTV systems must be substantially modified through the installation of

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a sensing device, and through circuitry changes which will permit the installation, to make the systems capable of instantly changing voltage from 120v, 60 cycle to 240v, 50 cycle. The State Department and RCA assert that this requires extensive design and engineering changes to the standard product. RCA also asserts that the camera is not simply a modified standard product but that it is a redesigned, specially manufactured product.

In addition, the agency states that even if Antronix could and would undertake the effort to modify RCA equipment to meet its requirements, time constraints do not allow for such an approach. It points out that the additional CCTV equipment is urgently needed to meet the installation schedule for its Security Enhancement Program.

Because of the requirement for maximum practical competition in the conduct of Government procurements, agency decisions to procure on a sole-source basis must be adequately justified and are subject to close scrutiny.

McDonnell Douglas Corporation, B-202904, August 18, 1981, 81-2 CPD 154. Nevertheless, we have recognized the propriety of sole-source awards where the minimum needs of the Government can be satisfied only by items or services which are unique; where time is of the essence and only one known source can meet the Government's needs within the required time frame; where data is unavailable for competitive procurement; or where only a single source can provide an item which must be compatible and interchangeable with existing equipment. U.S. Financial Services, Inc., B-197082, August 7, 1981, 81-2 CPD 104.

Further, contracting agencies enjoy a reasonable range of discretion in making sole-source determinations, and the burden is on the protester to show that the agency's determination lacks any reasonable basis. The Willard Company Incorporated, B-199705, February 18, 1981, 81-1 CPD 102. We find that Antronix has not met this burden here.

While the protester argues that it is as able as RCA to modify the RCA equipment as required, it has provided no support for a conclusion that it could actually do so under the circumstances present here. It argues that the necessary changes are simple, but the agency and RCA deny this, and Antronix has offered no rebuttal to their position. Further the protester has not indicated how it would be able to make the necessary changes, ensure compliance with the agency's need for standardization of equipment, or meet the agency's time constraints.

Antronix apparently assumes that the State Department possesses the technical data necessary to conduct a competitive procurement. There is nothing in the record to support such an assumption, and RCA indicates that it owns the rights to such data. Under these circumstances, we can only conclude that the agency lacks the data necessary for a competitive procurement. See Harvey W. Neely, B-189361, March 31, 1978, 78-1 CPD 225.

In view of the agency's need for standardized equipment, its apparent lack of the data necessary to conduct a competition for such equipment, and the immediate need for the equipment, we find no basis to object to the sole-source award here. The protester's bare assertion that it can meet the agency's needs does not establish the unreasonableness of the agency's position.

The protest is denied.

for *Milton J. Doran*
Comptroller General
of the United States