

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D. C. 20548

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FILE: B-212538

DATE: December 6, 1983

MATTER OF: Air Transport Association of America

DIGEST:

1. Determination of date for receipt of initial proposals is for contracting agency and GAO will not question such determination where, as here, the record establishes that the date was not arbitrarily or capriciously selected and that the procuring agency achieved adequate competition.
2. GAO does not consider under its bid protest function allegations regarding potential anti-trust violations.
3. Protester fails to show that the agency determination to procure a single credit card system, as more efficient than a multiple credit card system, is unreasonable where the protester alleges that a single credit card system may have an adverse economic impact on its industry.

Air Transport Association of America (ATA) protests the award of a contract under request for proposals (RFP) No. FTEV-FTE-032-N-8-8-83, issued by the General Services Administration (GSA) to Citicorp for a commercial transportation payment and expense control system.

We deny the protest.

The RFP was issued on July 8, 1983, with the receipt of initial proposals due on August 8, 1983. On July 14, 1983, ATA requested a 45-day extension of the due date in order that ATA and several airlines, which are its member carriers, would have an opportunity to analyze the RFP and consider a coordinated response. GSA denied the request, and ATA filed this protest with GAO.

ATA contends that the competition should be reopened because GSA did not allow sufficient time for proposal preparation which resulted in ATA and its member carriers not submitting proposals. ATA points out that ATA did not

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receive the RFP until almost 1 week after the RFP was issued and further claims that its member carriers were effectively denied the opportunity to submit a proposal because they were not included in the initial distribution of the RFP and only had 7 days in which to respond.

GSA contends that ATA and its member carriers did have sufficient time to submit a proposal in view of the fact that: (1) GSA officials met with ATA representatives on June 1, 1983, and informed them of the upcoming issuance of the RFP, (2) ATA admitted on July 14 that it was already "attempting to provide wide dissemination" of the RFP to its member carriers, and (3) ATA was represented at the pre-proposal conference on July 20, 1983, at which copies of the RFP were available.

The regulations concerning negotiated procurements, unlike the regulations governing formal advertising, do not specify a definite time period to be allowed for preparing proposals. Accordingly, we have held that the date set for the receipt of initial proposals is a matter of judgment vested in the contracting officer which we will not question unless the record shows that it was arbitrarily or capriciously selected or that it unduly restricts competition. Our Office is concerned with whether all offerors were treated equally and adequate competition was obtained, not with whether every firm had an opportunity to compete. Jets Services, Inc., B-207205, December 6, 1982, 82-2 CPD 504.

Here, the record reveals that 274 concerns were solicited, only ATA and four of its member carriers requested an extension, and six proposals were submitted. The time allotted here does comport with the 30-day standard set as a general rule for formally advertised procurements. Federal Procurement Regulations § 5-2.202-1 (1982). Also, ATA does not allege that GSA made a deliberate or conscious attempt to exclude ATA's member carriers from competing. In fact, the record indicates that ATA and its member carriers all had several weeks in which to prepare and submit proposals. Consequently, under the above standard, we do not find that the time for proposal preparation was unreasonable or inadequate.

ATA also contends that the RFP should have been amended to allow multiple source contracting. ATA argues that single source contracting, as contemplated by the RFP, could lead to the contractor imposing monopolistic pricing and, thus, to added cost burdens on the airline industry.

Insofar as ATA contends that single source contracting will lead to monopolistic pricing by the contractor, we do not consider under our bid protest function allegations regarding anti-trust violations; these are matters for the Justice Department. Monarch Enterprises, Inc., B-208631, May 23, 1983, 83-1 CPD 548. Further, ATA's contention is speculative.

Regarding ATA's contention that single source contracting is unreasonable, GSA states that its reason for single source contracting is to avoid a multiple card system, which results from multiple source contracting. GSA also alleges that a single card system with a single billing system is far more efficient and requires less paperwork than a multiple card system. GSA claims that a multiple card system would interfere with government management of travel payments and would result in a multiplicity of billing and payment procedures.

The determination of the government's actual needs and the best method of accommodating those needs are primarily the responsibility of the contracting activities. Consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Ridg-U-Rak, Inc., B-211395, August 8, 1983, 83-2 CPD 179.

In the present case, GSA has provided a specific and reasonable basis for a single card system, rather than a multiple card system. Essentially, ATA is alleging that single card system may result in an adverse economic impact on the airline industry. ATA neither claims that a single card system is less efficient than a multiple card system nor that a single card system is otherwise unreasonable. Therefore, we conclude that ATA has failed to show that GSA's determination to procure a single card system is unreasonable.

We deny the protest.

for *Milton F. Fowler*
Comptroller General
of the United States