

DECISION

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

FILE: B-221728 **DATE:** April 1, 1986
MATTER OF: Ameriko Maintenance Co.

DIGEST:

1. Requirement that hospital custodial services contract be performed using a "task system" rather than a "unit system", and that the contractor provide a detailed work schedule to indicate when various tasks will be done, is not objectionable where it is necessary for effective inspection of the contractor's work and reasonably reflects the agency's minimum needs.
2. Requirement that patient units be cleaned within 60 minutes from the time contractor is notified, regardless of the number of units per call, is not unreasonable where hospital has high admissions rate and quick availability of beds reflects agency's minimum need.

Ameriko Maintenance Co. protests various provisions in invitation for bids (IFB) No. DAKF57-86-B-0052, issued by the Department of the Army for custodial services at Madigan Army Medical Center in Fort Lewis, Washington. The Army has drafted an amendment to the solicitation in response to some of Ameriko's concerns, but the protester maintains that three of its objections remain unsatisfied.

We deny the protest.

The IFB contemplates the award of a firm-fixed-price contract for a base period of 10 months, with four option years. Under this contract, the medical center is to be cleaned and inspected by a "task system," which requires the contractor to perform a given task throughout an entire hospital ward or area before proceeding to the next task.

Ameriko's first basis of protest is specification TS 1-1.b.(5), which requires the contractor to prepare a comprehensive detailed work schedule. Although Ameriko has identified the specification requiring the work schedule as

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the basis for this portion of the protest, it is really the underlying "task system" that the protest addresses. Ameriko notes that there are 25 daily and twice daily tasks to be done in the inpatient wards during the first shift, and contends that it is inefficient and wasteful to require workers to complete each of these tasks throughout the ward before returning to the starting point and performing the next task.

The Army maintains that the task system is designed to allow random sampling of the contractor's performance, and that the work schedule is necessary to properly monitor the contractor's performance. Furthermore, the agency contends that the configuration of the wards at the medical center allows for efficient cleaning by the task system and disputes Ameriko's claim that the contractor would have to return to a starting point after completing each round of tasks. The agency points out that the tasks involve several subtasks and that performance by task, rather than by unit, is the most effective method to allow government inspection of the work.

Our Office will not question an agency's decisions concerning its minimum needs and the best method for accommodating those needs absent clear evidence that those decisions are arbitrary or otherwise unreasonable. Four-Phase Systems, B-210642, July 22, 1981, 81-2 CPD ¶ 56. The contracting agency is most familiar with the conditions under which the supplies or services have been or will be used, and our standard for reviewing protests challenging agency requirements has been fashioned to take this fact into account. Consequently, we will not substitute our judgment for that of the contracting agency absent clear and convincing evidence that the agency's judgment is in error and that a contract awarded on the basis of the specifications would unduly restrict competition. Hydro-Dredge Corp., B-215873, Feb. 4, 1985, 85-1 CPD ¶ 132. A mere difference of opinion between the protester and the agency concerning the agency's needs is not sufficient to upset agency determinations. Julian A. McDermott Corp., B-191468, Sept. 21, 1978, 78-2 CPD ¶ 214.

Here, the protester has not specifically alleged that the specification at issue restricts competition, but only that it is burdensome and imposes an inefficient system on the contractor. Further, even if we assume that Ameriko meant to imply that the specification restricts competition, the firm has not demonstrated that the specification is unreasonable or that it does not reflect the agency's minimum needs. Rather, the government's interest in

providing for an effective method of inspecting the contractor's performance adequately supports the agency's determination to continue using the task system. The protester's preference for the unit system simply does not negate the agency's reasoning in this regard.

Ameriko's second basis of protest is an alleged discrepancy between IFB sections TS 1-1.b.(13) and TS 1-1.b.(14) on one hand, which list buildings to be serviced during particular shifts, and the shift chart established in section TS 6-2.(b) on the other, which establishes the timeframe for performance of work by building and shift.^{1/} While the basis for this portion of the protest is not completely clear, it appears that the protester believes the buildings listed in each specification should be identical. However, the specification sections at issue in fact provide three separate lists that represent distinct needs. As the agency report states, TS 6-2.(b) outlines the buildings to be cleaned by the contractor on the first shift Monday through Friday, excluding Federal holidays (the normal work week); TS 1-1.b.(13) is for services to be provided on the first shift on weekends and holidays, and TS 1-1.b.(14) is for services to be provided on the second shift, 7 days a week. Therefore, the requirements set forth in the latter two sections of the specifications are in addition to the basic requirements listed in the shift chart. Accordingly, we find no merit to the protester's contention that the specifications are deficient.

Ameriko's third basis of protest concerns the specification TS 2-2.(41), which limits the completion time for patient unit terminal cleaning to 60 minutes from the time of notification, regardless of the number of units per call.^{2/} Ameriko contends that if too many terminal cleanings are called in at one time, the contractor will not be able to meet the 60-minute deadline unless it has idle employees standing by in case they are needed.

^{1/} As amended, section TS 6-2.(b) provides: "The following buildings . . . comprise Bid Item #2. All work shall be done on the first shift and . . . as specified in TS 1-1.b.(13) and (14)."

^{2/} As established in the RFP, "patient unit terminal cleaning" is the cleaning of the patient bed area upon termination of a patient's stay, transfer of the patient to another room, or when the area has been inaccessible for cleaning according to normal schedules because of isolation or the condition of the patient.

The Army asserts that the 60-minute completion time represents the government's minimum need. In support of this, the agency report cites statistics from 1985, indicating that the average occupancy rate for the 367-bed hospital was 78 percent, and the average number of admissions was 78 per day. The agency states that under these conditions, it is important to have beds made available as quickly as possible, and that it would be unacceptable to delay an admission because a bed had not been cleaned in time.

Again, our review in this area is limited to determining whether the agency's determination of its needs, and the best way to accommodate them, is clearly unreasonable. See Hydro-Dredge Corp., B-215873, supra, 85-1 CPD ¶ 132. Here, we find that the agency's position is rationally based. When any agency is unable to predict its needs with total accuracy, a solicitation is sufficient if it places bidders on notice and permits them to use business judgment in setting prices to cover the risk of being required to perform a higher volume of services than anticipated. Klein-Sieb Advertising and Public Relations, Inc., B-200399, Sept 28, 1981, 81-2 CPD ¶ 251. The solicitation here satisfies this standard. The risk that many units will need to be cleaned at one time and that the contractor will have difficulty meeting the 60-minute limit thus does not render the solicitation improper. We therefore find no merit to Ameriko's protest in this regard.

In these circumstances, we find no basis to object to the Army's specifications.

The protest is denied.

for Seymour Efron
Harry R. Van Cleve
General Counsel