



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Monitor Security & Control Systems, Inc.
File: B-227643.2
Date: September 15, 1987

DIGEST

Protest that certain specifications unduly restrict competition is denied where the agency establishes prima facie support for the challenged specifications and the protester offers nothing to rebut the agency's position, since the protester has not carried its burden of proof to show that the specifications are unreasonable.

DECISION

Monitor Security & Control Systems, Inc., protests that the specifications in Department of the Army request for proposals (RFP) No. DAAD05-87-R-0246 are unduly restrictive. The procurement is for an integrated security management system to provide security at Aberdeen Proving Ground in Maryland for two recently purchased supercomputers.

We deny the protest.

Monitor's principal protest basis is that only a particular Massachusetts company supplies the software that Monitor believes is needed to meet the Army's requirements, and that a competitor of Monitor's has an exclusive distribution agreement with that firm covering the geographical area that includes Aberdeen Proving Ground. Monitor complains that it therefore would have to purchase the software from a distributor outside its competitor's protected area at a premium price, which precludes Monitor from competing on an equal basis. Monitor also suggests that certain other specifications are not necessary to ensure receipt of an acceptable product from a capable firm.

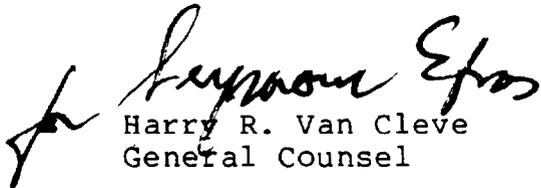
In response to the protest, the Army has furnished a report that details the reason for the challenged requirements. With respect to the software matter, the Army further

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points out that the RFP does not mandate a specific brand of software; asserts that acceptable software is available to a number of vendors; and notes that, in any case, a prospective offeror's asserted difficulty in being price-competitive does not make a solicitation unduly restrictive.

Monitor was furnished a copy of the Army's report and has requested that our Office decide the protest on the existing record (initial protest and Army report), without further comment from the firm. Where an agency establishes prima facie support for challenged specifications, however, the burden shifts to the protester to show that the specifications in dispute are clearly unreasonable. CAD/CAM On-Line, Inc., B-226103, Mar. 31, 1987, 87-1 C.P.D. ¶ 366. The Army's report clearly establishes such support, and the Army is correct that Monitor's problem in securing software it believes is necessary at a competitive price does not in itself invalidate the software requirement. See General Electric Co., Mobile Communications Business, B-225381, Feb. 6, 1987, 87-1 C.P.D. ¶ 133. Since Monitor has offered nothing to rebut the Army's position, the firm has not carried its burden of proof; the record thus gives us no legal basis to object to the RFP's requirements.

The protest is denied.


Harry R. Van Cleve
General Counsel