



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: G. S. Link and Associates  
File: B-229911  
Date: March 11, 1988

### DIGEST

1. Protester's complaint that solicitation requirement that successful bidder obtain security clearance prior to award unduly restricts competition is dismissed as academic where protester is granted the necessary clearance.
2. Solicitation provision requiring contractors to possess facilities capable of securely storing up to eight pallets of classified materials is not unreasonable where print orders placed under the contemplated contracts will be classified up to and including confidential-restricted data and where protester does not argue that this requirement exceeds the agency's minimum needs.

### DECISION

G. S. Link and Associates protests certain provisions of a solicitation issued on behalf of the Department of Defense (DOD) by the United States Government Printing Office (GPO) for program 1619-S. Two of these provisions, which the protester asserts are unduly restrictive of competition, require the successful bidder to obtain a DOD security clearance prior to award and to possess facilities capable of securely storing up to eight pallets of classified materials. Link also protests as either unreasonable or inconsistent certain other solicitation provisions.

We dismiss the protest in part and deny it in part.

The solicitation for program 1619-S contemplates the award of a 1-year requirements contract for the printing of various United States Army publications. The proposed contract for production of books and pamphlets would require film making, printing, binding, packing, mailing and delivery.

According to the agency, after bid opening, Link was declared the low bidder and later obtained the required security clearance. Link's protest against the security

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clearance requirement is therefore academic.<sup>1/</sup> Link's protest on this basis is dismissed. 4 C.F.R. § 21.3(f) (1987).

Link argues that the solicitation provision requiring contractors to possess adequate secured storage facilities is unduly restrictive of competition because "[t]his requirement limits the bidders to those possessing a suitable facility" and "[n]o time is granted to construct such a facility."<sup>2/</sup> Link adds that a "storage facility of this size is rare even among contractors who have performed on this contract in past years."

We find no basis, however, to question the reasonableness of GPO's requirement for storage facilities to securely store up to eight pallets of classified materials. Bidders are not required to "possess" these facilities at the time they submit their bids, although they must have the necessary facilities, or the ability to obtain them, by the time of contract award in order to be found responsible. If a bidder cannot build such facilities in time for award, it may submit evidence to establish that it has arranged to rent, purchase or otherwise acquire the necessary facilities. Neither in its protest nor in its comments on the agency report does Link argue that the requirement is not needed to perform the contract. Instead, Link complains that it will be difficult for bidders to meet this requirement. However, the fact that a requirement may be burdensome or difficult for a particular firm to meet does not make it objectionable if it properly reflects that agency's minimum needs. Microwave Radio Corp., B-227962, Sept. 21, 1987, 87-2 CPD ¶ 288; Joerns Healthcare, Inc., B-227697, Sept. 18, 1987, 87-2 CPD ¶ 276. The secured storage facility requirement does not appear unreasonable since print orders placed under the contemplated contracts will be classified up to and including confidential-restricted data. In any event, Link does not argue that the secured storage facility requirement exceeds the agency's

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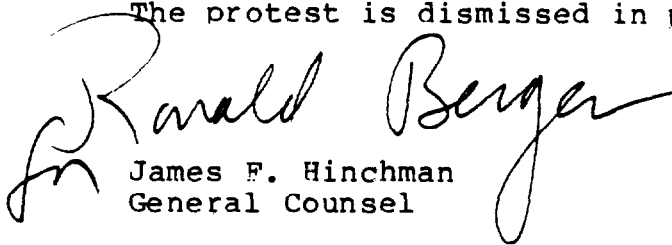
<sup>1/</sup>Link recently raised the identical issue with respect to other GPO solicitations. See G.S. Link and Associates, B-229604; B-229606, Jan. 25, 1988, 88-1 CPD ¶ \_\_\_\_\_. We ruled that the security clearance requirement was not objectionable because it reflected the agency's minimum needs since contract performance would involve classified materials.

<sup>2/</sup> This provision was added by an amendment to the IFB. Link states the amendment was issued at its request.

minimum needs. Link's protest of this solicitation requirement is denied.

We have been advised by GPO that subsequent to the filing of its protest, Link was found to be nonresponsible because it cannot meet the requirement for facilities capable of securely storing up to eight pallets of classified materials. The propriety of that nonresponsibility determination is not in issue before us. Since Link has been found nonresponsible for failure to satisfy the requirements of a solicitation provision which it has not shown to be unreasonable, the protester is no longer eligible for award. We therefore see no need to address its remaining objections to the solicitation.

The protest is dismissed in part and denied in part.

A handwritten signature in cursive script, appearing to read "James F. Hinchman". The signature is written in dark ink and is positioned to the left of the typed name and title.

James F. Hinchman  
General Counsel