

Kozinn



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Shoney's Inn

File: B-231113

Date: June 24, 1988

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### DIGEST

Invitation for bids to provide meals and lodging to Army recruits may properly restrict bids to those from firms within one-mile radius of processing station and is not unduly restrictive where the restriction reflects the actual needs of the Army and the agency reasonably believes that adequate competition was available within the restricted area.

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### DECISION

Shoney's Inn protests a provision in invitation for bids (IFB) No. DACA03-88-B-0005, issued by the Department of the Army, restricting competition for a contract to provide lodging and meals to military applicants to bidders having facilities within a one driving mile radius from the Military Entrance Processing Station (MEPS) in Little Rock, Arkansas. Shoney contends that this one-mile radius requirement is unduly restrictive of competition and should be increased to at least a ten-mile radius.

We deny the protest.

The IFB solicited bids to provide meals and lodging to military applicants being processed through the MEPS at Little Rock from July 1988, through June 1989, with options to renew the contract through June 1991. Shoney contends that the solicitation's requirement that the lodging facility be located within a one-mile radius of the processing station is unduly restrictive of competition. Shoney lists several other MEPS locations that have less geographically restrictive lodging requirements and states that

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although there are several lodging facilities located within a one-mile radius of the MEPS at Little Rock, only one contractor submitted a bid the last time this requirement was solicited. Shoney contends that the one-mile radius requirement will unnecessarily result in inadequate competition.

The Army reports that the one-mile radius restriction is necessary and reflective of its actual needs. The Army explains that its processing procedures require the new recruits to travel up to five times each day between the lodging and processing facilities and that it is imperative for the recruits to be on time for each scheduled processing module, the first beginning at six o'clock in the morning. The Army asserts that requiring the lodging facility to be within one mile of the MEPS reduces the possibility for delay since travelling problems due to traffic congestion and accidents will be minimized. In addition to the increased potential for transportation difficulties, the Army contends that any lodging outside this one-mile limitation could adversely affect the processing schedules for the recruits as inclement weather could also unduly delay the time of arrival at the MEPS. The Army states that since the City of Little Rock does not have snow or ice removal equipment for the roads, the distance between the lodging and processing facilities must be minimized not only to prevent delays, but also to protect the safety of the recruits when travelling in inclement weather. The Army adds that when necessary, the recruits could easily overcome possible transportation problems by simply walking the short distance between the MEPS and lodging facility.

The Army also contends that the one-mile radius requirement is consistent with the MEPS requirement that each applicant be presented with the "red carpet" treatment, which is designed to improve the professional image of the military recruitment process by eliminating "dead time" and providing more personalized treatment. The Army contends that this initiative will be best accomplished by using a facility within a one-mile radius of the MEPS. Lastly, since the applicants must attend nightly testing sessions, the Army considers it imperative that the recruits be required to travel only a short distance to the lodging facility for their dinner. The Army's experience is that an increased commute will not only result in delays, but also in the applicants not being able to eat until the nightly testing sessions are completed at approximately nine o'clock in the evening.

Because of the statutory requirement for full and open competition, an agency may restrict a procurement to bidders within a specified geographical area only if the restriction is reasonably necessary for the agency to meet its needs. Treadway Inn, B-221559, Mar. 10, 1986, 86-1 CPD ¶ 236. The determination of the proper scope of a geographical restriction is a matter of the contracting agency's judgment and discretion, involving consideration of the services being procured, past experience, market conditions and other factors, including the adequacy of competition. See Malco Plastics, B-219886, Dec. 23, 1985, 85-2 CPD ¶ 701. We have consistently held that a geographical restriction may be imposed where the agency shows that it is reasonably necessary to meet its minimum needs. Treadway Inn, B-221559, supra.

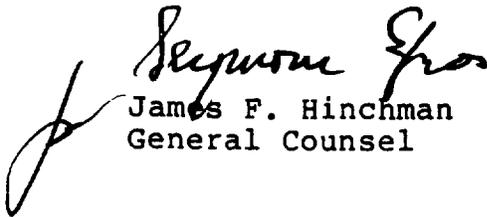
We find no basis in the record to challenge the reasonableness of the restriction imposed here. We have repeatedly recognized that saving time for military applicants and recruiters, increasing efficiency, reducing the possibility of highway accidents and improving the impression that the processing has on the applicants provide legitimate bases for a geographical restriction. See e.g., Treadway Inn, B-221559, supra.

In fact, our Office has previously upheld this particular requirement for lodging within a one-mile radius of the MEPS at Little Rock as a reasonable geographical restriction which is reflective of the legitimate minimum needs of the government. See Magnolia Inn, B-216607, Mar. 1, 1985, 85-1 CPD ¶ 257. In that case, we specifically responded to the protester's claim that Little Rock usually has mild winters, and therefore the Army's concerns about weather delays were not well founded. We concluded that the one-mile restriction had not been shown unreasonable in view of the reported lack of snow removal equipment. Shoney provides no new information to warrant disturbing this previous decision.

The one-mile requirement in that case, as here, was based upon the MEPS experience and particular local conditions in Little Rock. We do not therefore find Shoney's reference to other MEPS locations that procure for recruit lodging with more lenient geographical restrictions to be persuasive support for its claim that the specification is unreasonable. Moreover, the Army contends that adequate competition is available within the restricted area because there are nine facilities that could meet its needs. We view Shoney's contention that inadequate competition will result since only one bid was received the last time this procurement was solicited and since the other facilities may not bid because of the recruits' reputation for unruly behavior to be mere

conjecture. This speculation is an insufficient basis on which to conclude at this time that the Army's expectation of full and open competition is unreasonable. See Treadway Inn, B-221558, supra; Treadway Inn-Request for Reconsideration, B-221559.2, July 31, 1986, 86-2 CPD ¶ 130.

The protest is denied.

  
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