



The Comptroller General  
of the United States

Washington, D.C. 20548

Curcio

## Decision

Matter of: Modular Mailing Systems, Inc.

File: B-231344

Date: August 10, 1988

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### DIGEST

When placing an order under a mandatory, multiple-award Federal Supply Schedule contract, a contracting agency is not required to select the lowest priced vendor where the agency reasonably determines that only the higher priced vendor's product offers features necessary to obtain effective performance.

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### DECISION

Modular Mailing Systems, Inc., protests the issuance of delivery order No. F08602-88-F0644 to Friden Alcatel by the Department of the Air Force. The order is for an electronic mailing data system at MacDill Air Force Base, Florida, and was placed under mandatory, multiple-award Federal Supply Schedule (FSS) contract No. GS00F85525. Modular complains that the Air Force bought Friden equipment even though Modular, also listed on the FSS, offered equipment at a lower price.

We deny the protest.

In March of 1988, the MacDill Air Force Base contracting officer received a requisition from the user activity to purchase an electronic mailing data system. Accompanying the requisition was a request for a system manufactured by Friden; the mailing system sought to be replaced was also manufactured by Friden. The brand-name request was made after a technical evaluation of equipment provided by the protester, Friden and Pitney Bowes, all of whom are vendors on the FSS. The contracting officer approved the brand-name request and consequently issued an order to Friden in the amount of \$42,047.

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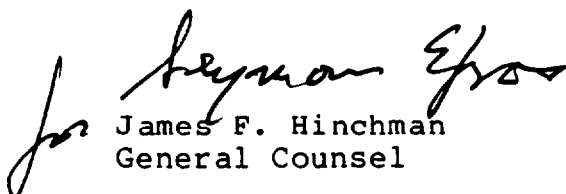
Modular complains essentially that it was improper for the agency to buy the Friden equipment, on the ground that Modular is the lowest priced FSS vendor whose system--made by IMS Hassler--meets the agency's minimum needs.

An agency ordering from a mandatory, multiple-award FSS is not required to order from the lowest priced vendor if an appropriate justification exists for purchase from a higher priced vendor. Federal Acquisition Regulation (FAR) § 8.405-1(a) (FAC 84-16).

In the present case, the using activity requested the higher priced Friden equipment on the basis of a technical evaluation it performed on the three brands listed on the FSS. The activity determined that replacing the old Friden system with compatible new Friden equipment would require minimal operator training, and therefore only a slight reduction in productivity, and would allow the agency to avoid having to identify and procure new accessories, such as ink rollers and tape, capable of being accommodated by the new system. The using activity also found that because the new Friden system's components are completely integrated, the Friden equipment would provide greater efficiency and durability and thereby minimize potential service delays and maintenance costs. Finally, the activity noted that the IMS Hassler system failed to operate effectively during an informal demonstration before the user group.

The contracting officer accepted the brand-name request in accordance with FAR § 8.405-1(a), which provides that an order placed with a schedule contractor offering higher priced equipment may be justified on the basis of such factors as specific user requirements, system compatibility and necessary equipment features. Where an agency determines that a justification exists for placing an FSS order with a higher priced vendor, our Office will object only if it can be shown that the determination lacks a reasonable basis. Dictaphone Corp., B-228366, Jan. 12, 1988, 88-1 CPD ¶ 19; White Office Systems, Inc., B-227845, Sept. 8, 1987, 87-2 CPD ¶ 227. We have no basis to conclude that the issuance of the order to Friden was unreasonable.

The protest is denied.

  
James F. Hinchman  
General Counsel