



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Morse Watchmans Clock Co., Inc.

File: B-232414

Date: November 29, 1988

DIGEST

General Accounting Office will not disturb a procuring agency's determination of its needs and the specifications necessary to meet them, or the agency's technical evaluation of proposed equipment, absent a clear showing by the protester that the agency has acted unreasonably.

DECISION

Morse Watchmans Clock Co., Inc., protests the rejection of its quotation for an electronic security tour system under request for quotations (RFQ) No. TD-FMS-88-22, issued by the Financial Management Service, Department of the Treasury.

We deny the protest.

This requirement was conducted as a small purchase and a statement of work was attached to the RFQ calling for quotations to furnish an electronic security tour system. The Treasury received quotations from two firms, Morse and Deister Electronic USA, the awardee. The protester submitted the lower offer, but the Treasury rejected it after a technical evaluation revealed that the system did not include a self-contained reader.

Treasury has stated that the self-contained, no external exposed contacts, requirement of the system is necessary to make the units as "operator proof" as possible so that the guards do not vandalize, short circuit or otherwise accidentally destroy the equipment or data. Morse argues that in spite of its product's inability to meet the self-containment specification, the system is still functional and the difference in portable readers did not warrant the rejection of its quotation. Morse offers no facts to substantiate this claim.

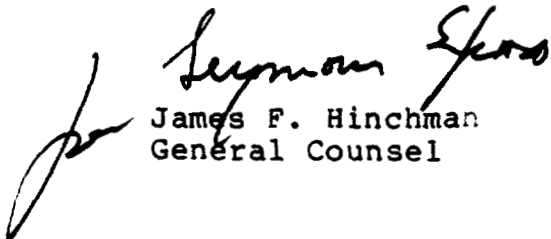
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The procuring agency has the primary responsibility for determining its needs and for drafting requirements that reflect those needs, since it is the agency that is most familiar with how the supplies or services have been or will be used. The agency also is primarily responsible for evaluating an offer for a product and determining whether the equipment meets the agency's requirements. Therefore, we will not disturb either an agency's determination as to the best method of accommodating its needs, or the agency's technical judgment whether an offered item meets those needs, absent a clear showing by the protester that the decision was unreasonable. Tramont Corp., B-219460, Sept. 10, 1985, 85-2 CPD ¶ 283.

Morse admits that the type of reader it offered does not meet the specifications against which quotations were solicited. In this respect, any objection to those specifications as too restrictive should have been raised, according to our Bid Protest Regulations, before quotes were due. 4 C.F.R. § 21.2(a)(1) (1988); See Ralph Construction, Inc., B-222162, June 25, 1986, 86-1 CPD ¶ 592.

The protester has the burden to prove its case, and Morse has not offered any evidence which might cast doubt on the reasonableness of the Treasury's decision that the exposed contact type of reader is unacceptable for the reasons stated. The fact that the protester disagrees with the agency's decision does not itself prove the decision unreasonable. Venram, Inc., B-214657, July 2, 1984, 84-2 CPD ¶ 7.

The protest is denied.


James F. Hinchman
General Counsel