



Comptroller General  
of the United States

Washington, D.C. 20548

Gary

## Decision

**Matter of:** New York Wire Company

**File:** B-235821

**Date:** September 19, 1989

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### DIGEST

Protest that specifications are unduly restrictive is denied where agency makes showing that specifications for insect screening are required to meet its minimum needs, and protester has not shown that the requirements are unreasonable.

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### DECISION

New York Wire Company (NYW) protests as unduly restrictive the commercial item description (CID) in invitation for bids (IFB) No. 7FXI-C6-89-5313-S, issued by the General Services Administration (GSA) for wire fabric insect screening. According to NYW, the CID is not necessary to meet the agency's real minimum needs, and in fact no longer describes standard commercial screening made in the United States. Instead, the protester urges that the specifications be relaxed in accordance with a proposed industry standard that, according to the protester, reflects the currently available commercial item.

We deny the protest.

Generally, the determination of the government's minimum needs and the best method of accommodating them are primarily the responsibility of contracting agencies; consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Hallmark Packaging Products, Inc., B-232218, Oct. 25, 1988, 88-2 CPD ¶ 390. When a protester challenges a specification as unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support for its contention that the restrictions it imposes are needed to meet its minimum needs. Once the agency establishes such support, the burden shifts to the protester to show that the requirements complained of are clearly unreasonable. Id.

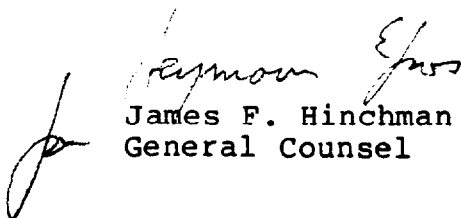
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NYW objects to several specifications, including the required diameter of the wire used to manufacture the insect screening, and the requirement that the wire be aluminum-cladded rather than uncladded; the protester maintains that uncladded, thinner wire would be adequate to meet the agency's needs, and notes that such wire would be acceptable under a currently proposed industry standard.

GSA has provided an explanation of why the requirements are necessary to meet the needs of the agencies for which it is procuring the screening. The agency explains, for example, that the thicker wire specified in the solicitation offers greater weathering capability and provides a longer service life than could be obtained from a thinner wire. Similarly, GSA explains that aluminum-cladded wire provides greater protection against corrosion than bare aluminum alloy wire. Further, the record shows that GSA developed the specifications only after consulting with screening manufacturers and after determining that the screening is in fact commercially available.

We conclude that GSA's justification for the challenged specifications is reasonable, and that the protester has not demonstrated that the requirements clearly exceed the government's needs, or are otherwise unreasonable. The fact that there may be a proposed or actual industry standard containing different specifications does not establish that the agency's particular requirements here are unreasonable. There thus is no basis for sustaining the protest.

The protest is denied.

  
James F. Hinchman  
General Counsel