



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** East West Research, Inc.

**File:** B-238177; B-238231; B-238234

**Date:** April 18, 1990

Richard Snyder, for the protester.

Barry M. Sax, Esq., Office of the General Counsel, Defense Logistics Agency, for the agency.

Barbara Timmerman, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Agency is not prohibited from using manufacturer part numbers as item descriptions in procurements conducted under Federal Acquisition Regulation (FAR) Part 13 small purchase procedures. Small purchases are specifically excepted from the requirement that agencies use specifications in General Services Administration and Department of Defense indexes for item descriptions.

### DECISION

East West Research, Inc., protests the terms of request for quotations (RFQ) Nos. DLA400-90-T-3249 (RFQ -3249), DLA400-90-T-3909 (RFQ -3909) and DLA400-90-T-4015 (RFQ -4015), issued by the Defense General Supply Center, Defense Logistics Agency (DLA). East West contends that the agency's use of manufacturer part numbers as item descriptions is improper.

We deny the protests.

All three RFQs were issued pursuant to Federal Acquisition Regulation (FAR) Part 13 small purchase procedures. RFQ -3249 requested quotations for 16 cutting torches, national stock number (NSN) 3433-01-046-8311, Smith Welding Equipment part number SC229. RFQ -3909 requested quotes for 2,298 abrasive wheels, NSN 3460-01-306-0571, Norton Co. part number K1139260. RFQ -4015 requested quotes for 2,120 industrial goggles, NSN 4240-01-103-8473, Jones and Co. part number 34862.

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East West contends that the agency is required by FAR § 10.006(a) to use the specifications and standards listed in the General Services Administration's (GSA) Index of Federal Specifications, Standards and Commercial Item Descriptions or the Department of Defense Index of Specifications and Standards (DODISS) to obtain these items. Specifically, East West argues that DLA should procure the cutting torches using military specification MIL-T-13880H as the item description and the abrasive wheels and industrial goggles using various American National Standards Institute (ANSI) standards as item descriptions.<sup>1/</sup> In support of its position, the protester contends that the specifications and standards it argues should be used will express the agency's actual minimum needs in a manner which will foster greater competition.

FAR § 10.006(a) provides in pertinent part:

"(a) Mandatory specifications and standards.

(1) Unless otherwise authorized by law or approved under 10.007(a) below, specifications and standards listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions are mandatory for use by all agencies requiring supplies or services covered by such specifications and standards, except when the acquisition is -

. . . . .

(ii) Under the small purchase limitation at 13.000.<sup>2/</sup>

. . . . .

(2) Military specifications and standards are mandatory for use by the Department of Defense (DOD), as are voluntary standards adopted by DOD and listed in the DODISS, except when any of the exceptions in (a)(1) above apply."

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<sup>1/</sup> The ANSI standards cited by the protester are encompassed in the DODISS.

<sup>2/</sup> The limitation for small purchase procedures under FAR § 13 is \$25,000.

DLA states that since none of the three procurements will exceed \$25,000 and all are being conducted under small purchase procedures, it is not required to use the specifications and standards in the GSA Index or DODISS.

The Competition in Contracting Act of 1984, 10 U.S.C. § 2304(g) (1988), exempts small purchases from the requirement to use competitive procedures established in the Act. Agencies are required by that provision to "promote competition to the maximum extent practicable" in using small purchase procedures. The implementing regulations reflect a determination that the use of GSA and military specifications and standards are generally unnecessary or perhaps even counterproductive to promoting competition in small purchases. As quoted above, FAR § 10.006(a) specifically provides that such specifications and standards are not required in making small purchases.

The protester argues that use of manufacturers' part numbers in some manner increases the government's costs by "maintaining an additional stock number, creating additional buys, and increasing the workload of the entire work force." East West also challenges in detail DLA's explanation of why it chose, in each case, not to use GSA or military specifications and standards. We believe that the use of a national stock number and manufacturer's part number, where vendors may offer equal items, is consistent with the reason the Congress authorized small purchase procedures--"to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors." 10 U.S.C. § 2304(g)(1). East West's speculation that agency workload or administrative expenses are somehow higher, or its claim that in particular cases a military specification would describe the agency's minimum needs as well or better than a manufacturer's part number, do not warrant imposing an additional burden on agencies making small purchases. Except in egregious situations, such as when it is unclear what item a part number applies to so that vendors cannot propose equal items, The ARO Corp.--Request for Reconsideration, B-225645.2, June 1, 1987, 87-1 CPD ¶ 548, the approach followed by DLA here is appropriate. East West has not shown that the use of part numbers to purchase the cutting torches, abrasive wheels and industrial goggles sought by DLA prevent East West and other vendors from offering equal items. Consequently, we cannot object to the agency's item descriptions.

East West also argues that the agency is "purposely" making the procurements small purchases when they need not be. The regulations specify that agencies are to use small purchase procedures for the acquisition of supplies or services not

exceeding \$25,000 "to the maximum extent practicable." FAR \$ 13.103. Further, there is nothing in the record to indicate that the \$25,000 limit will be exceeded or that large requirements have been divided into smaller ones so that the small purchase procedures can be used. Thus, we see no legal basis for the view that the agency is acting improperly here by using small purchase procedures.

The protests are denied.

*for Robert P. Murphy*  
James F. Hinchman  
General Counsel