



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

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

**File:** B-243623

**Date:** April 29, 1991

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Richard Snyder for the protester,  
Donald S. Tracy, Esq., and Amalia Evola, Esq., Defense  
Logistics Agency, for the agency.  
Anne B. Perry, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

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## DIGEST

Protest is dismissed where the identical issue concerning the propriety of agency use of a manufacturer's part number as an item description under a small purchase procedure procurement was considered and denied by our Office in recently decided protests involving the same parties.

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## DECISION

East West Research Corporation protests the terms of request for quotation (RFQ) No. DLA400-91-T-6624, issued by the Defense Logistics Agency for abrasive wheels, identified as national stock number (NSN) 3460-01-306-0571, and described as Norton Co. part number K1139260. East West argues that the specifications improperly limit the competition to only one source.

We dismiss the protest.

The RFQ was issued pursuant to Federal Acquisition Regulation (FAR) Part 13 small purchase procedures, and requested quotations for 1,000 abrasive wheels. The solicitation permitted offerors to quote on an alternate product.

East West has filed numerous earlier protests against DLA's use of manufacturers' part numbers as item descriptions and, in fact, specifically challenged the use of Norton's part number K1139260 as an item description for abrasive wheels in East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ 399. In each of its protests, East West has challenged the propriety of DLA's use of manufacturers' part numbers or national stock numbers instead of other federal

specifications, arguing that the use of such descriptions unnecessarily restricts competition.

We have consistently held that an agency is not prohibited from using a manufacturer's part number or national stock number as an item description in procurements conducted under FAR Part 13 small purchase procedures. See East West Research, Inc., B-239620, Aug. 28, 1990, 90-2 CPD ¶ 169. Such procurements are exempt from the requirements that agencies use specifications in General Services Administration and Department of Defense indexes for item descriptions, East West Research, Inc., B-238177 et al., *supra*, and agencies are not prohibited from using manufacturers' part numbers instead of detailed purchase descriptions in these instances. East West Research, Inc., B-238234.2; B-239682, Sept. 17, 1990, 90-2 CPD ¶ 218.

Here, while East West has modulated its argument, now alleging that DLA's use of a single manufacturers' part number is an improper sole source procurement, this argument is indistinguishable from those which East West raised and which we considered in our prior decisions upholding the agency's authority to use manufacturers' part numbers rather than other item descriptions. As a factual matter, the agency is not conducting a sole source procurement, rather it was using a manufacturer's part number to identify the characteristic of the abrasive wheel it needs. Offerors are not foreclosed from submitting alternate products.

Since East West's protest raises the identical issue and substantially the same rationale which we have previously addressed and resolved, no purpose would be served by our reconsideration of this issue in a protest of a procurement for the same product involving the same parties. The Castoleum Corp., B-237786, Dec. 27, 1989, 89-2 CPD ¶ 601.

The protest is dismissed.



Paul Lieberman  
Assistant General Counsel