



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Helitune, Inc.

File: B-243617

Date: July 19, 1991

Carol A. Workman for the protester.
Herbert F. Kelley, Jr., Esq., and James C. Hise, Esq.,
Department of the Army, for the agency.
Linda C. Glass, Esq., and Andrew T. Pogany, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

1. Agency may use manufacturer part numbers as item descriptions in procurements conducted under Federal Acquisition Regulation (FAR) small purchase procedures so long as equal items can be offered, thus satisfying the FAR requirement that those procurements be competed to the maximum extent practicable.
2. General Accounting Office dismisses protest against specifications for balancer/analyzer equipment for use on C-130H aircraft propellers as unduly restrictive where procurement is conducted under small purchase procedures and protester's offer of an alternate item has not yet been evaluated by the agency to determine its acceptability.

DECISION

Helitune, Inc. protests the item description for a balancer/analyzer aircraft propeller vibration control system for the C-130H aircraft, synopsized in the Commerce Business Daily (CBD) by the Tennessee Air National Guard (ANG). Helitune contends that the specifications are unduly restrictive and do not reflect the agency's requirement to balance C-130H propellers. We dismiss the protest.

The procurement was synopsized in the CBD on March 12, 1991, under small purchase procedures of the Federal Acquisition Regulation (FAR) § 13.100.1/ The CBD notice provided that a

1/ It was not until after receipt of the agency's supplement to its report that we were advised that small purchase procedures were used.

052010/144467

purchase order would be issued contemplating a sole-source award to Chadwick-Helmuth Company, Inc. for its Model No. 8500C, but also provided that all responsible small business concerns may submit a quotation within thirty (30) days of publication of the notice. Parties interested in the procurement were to submit information in sufficient detail to demonstrate the ability to provide the required items and services without delay. The notice described the design and operation of the Chadwick model. Proposals in response to this synopsis were due to agency by April 12, 1991. Helitune submitted a timely proposal but also filed this protest with our Office on April 12.

Helitune maintains that the specifications are peculiar to the design or balancing method of the Chadwick Model 8500C and are not essential or required for balancing C-130H aircraft propellers. Helitune specifically objects, among others, to the specifications concerning the following: (1) dimensions and weight; (2) memory; (3) sensitivity; (4) frequency range; (5) fast fourier transform (FFT) frequency resolution; and (6) amplitude accuracy.

The small purchase procedures of the FAR^{2/} set forth abbreviated requirements designed to minimize administrative costs, Ultraviolet Purification Sys., Inc., B-226941, Sept. 10, 1987, 87-2 CPD ¶ 229, and to promote efficiency and economy in contracting. 10 U.S.C. § 2304(g)(1) (1988); FAR § 13.102. In that interest, they are excepted from the requirement set forth in the Competition in Contracting Act of 1984 (CICA) that agencies obtain full and open competition through the use of competitive procedures when conducting procurements. 10 U.S.C. § 2304(a)(1)(A); FAR § 6.001(a); Water Resources Educ., B-224682, Nov. 28, 1986, 86-2 CPD ¶ 626. Nevertheless, CICA still requires agencies to obtain competition to the maximum extent practicable when utilizing small purchase procedures. Id., 10 U.S.C. § 2304(g)(4); FAR § 13.106(b)(1).

We find nothing improper in the item description as stated in the solicitation. Because the procurement is being conducted using small purchase procedures, it is not subject to the competition requirements of CICA. The only applicable competition standard in this case, therefore, is that the procurement be competed to the maximum extent practicable. FAR § 13.106(b)(1). Where, as here, an agency has determined that a particular manufacturer's part number is the only

^{2/} Small purchase procedures can be used for the acquisition of supplies, nonpersonal services, and construction from commercial sources, the aggregate amount of which does not exceed \$25,000. FAR § 13.000.

product that will meet its minimum needs, the only practical means of possibly expanding competition is to indicate that offers of alternate items also will be reviewed for technical acceptability. This is precisely what the agency did here; these actions comply with the requirement for maximum practicable competition. Furthermore, we have held that the use of manufacturer part numbers to describe a requirement is permissible so long as doing so does not preclude vendors from offering equal items; in fact, such descriptions are an appropriate approach to procuring under small purchase procedures since they promote efficiency in contracting, the goal of those procedures. See East West Research, Inc., B-239616, Aug. 29, 1990, 90-2 CPD ¶ 178; East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ 399.

Helitune has submitted a timely proposal offering an alternate item, the technical acceptability of which has not yet been determined by the agency. Since under the small purchase procedures, the agency can properly determine that a particular manufacturer's part number is the only product that will meet its minimum needs, until the agency has evaluated Helitune's offer to determine its acceptability, our Office will not question the agency's determination of its minimum needs. We trust that the ANG will evaluate Helitune's offer and if found to be technically unacceptable will timely detail its reasoning to the protester.

Accordingly, the protest is dismissed.



Michael R. Golden
Assistant General Counsel