



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Imaging Equipment Services, Inc.

File: B-247201

Date: January 10, 1992

Thomas J. Quinn for the protester.
Catherine M. Evans, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Unsupported assertion that agency's stated requirements are overly restrictive does not constitute a legally sufficient basis of protest.

DECISION

Imaging Equipment Services, Inc. (IES) protests the terms of request for proposals (RFP) No. 691-38-92, issued by the Department of Veterans Affairs for maintenance of a Picker International computerized tomography scanner. IES alleges that certain RFP requirements are unduly restrictive.

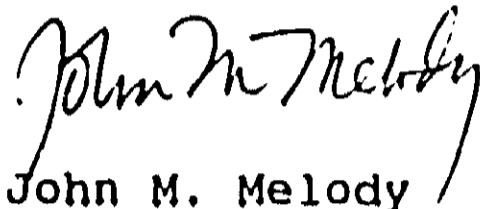
We dismiss the protest.

Our Bid Protest Regulations provide that a protest shall include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4) (1991), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). This requirement contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action. Professional Med. Prods., Inc., B-231743, July 1, 1988, 88-2 CPD ¶ 2.

Where a protester complains of unduly restrictive requirements in a solicitation, in order to satisfy this legal sufficiency standard, the protester must show that the particular specifications are not necessary to meet the agency's minimum needs. See IBI Sec. Serv., Inc., B-233726.2, Apr. 6, 1989, 89-1 CPD ¶ 359. IES has made no such showing here. In this regard, while IES asserts generally that the requirements demonstrate bias in favor of Picker, it does not explain why other firms would not be able to meet them. Instead, IES simply lists six requirements that it considers restrictive, for example,

"contractor will furnish . . . manuals and schematics/ diagrams" and "contractors shall have access and readily available manufacturer's replacement parts." It is not apparent from the face of these requirements why the protester thinks they exceed the agency's minimum needs. Since IES does not indicate precisely why each of the six requirements it challenges exceeds the agency's needs, how each will restrict competition, or how it believes the requirements should be modified to make them acceptable, we conclude that IES has not established the likelihood that the agency's determination of its minimum needs was improper; we therefore have no basis for considering the matter. See Bombardier, Inc., Canadair, Challenger Div., B-244328, June 17, 1991, 91-1 CPD ¶ 575.

The protest is dismissed.



John M. Melody
Assistant General Counsel