



Comptroller General  
of the United States

Washington, D.C. 20548

*J. Maeder*

## Decision

**Matter of:** Aqua-Trol Corporation

**File:** B-246473

**Date:** March 5, 1992

Ilan Weiss for the protester.

Robert C. Mackichan, Jr., Esq., General Services  
Administration, for the agency.

Jacqueline Maeder, Esq., and Paul Lieberman, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

### DIGEST

Protest that specifications for lawn sprinklers are unduly  
restrictive is denied where record shows that agency  
reasonably determined that features specified were necessary  
to satisfy the agency's minimum needs for stability,  
mobility, durability and performance, and the specifications  
permit increased competition.

### DECISION

Aqua-Trol Corporation protests certain specifications in  
invitation for bids (IFB) No. 7FXI-T6-91-3703-S, issued by  
the General Services Administration (GSA) for four types of  
lawn sprinklers and three types of soaker hoses. Aqua-Trol  
contends that the specifications unduly restrict  
competition.

We deny the protest.

### BACKGROUND

The IFB, issued on September 23, 1991, contained a list of  
design/performance specifications for the lawn sprinklers  
which GSA states were updated from previous procurements and  
were based on commercially available products. GSA states  
that because the agency's volume of sprinkler purchases had  
decreased during the previous two contracts and because  
little competition had been obtained in these previous  
procurements, the agency believed that the previous  
specifications no longer adequately described commercially  
available products and had to be revised.

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In order to revise the specifications in a manner that would meet the minimum needs of the agency users as well as enhance competition, GSA conducted surveys of customer agencies and the six known commercial manufacturers and suppliers of lawn irrigation equipment, including the protester.<sup>1</sup> These surveys confirmed that the existing specifications were outdated and did not meet the minimum needs of the agency users. GSA then decided to revise the specifications in the form of a commercial item description (CID). Using the data obtained from the surveys, the agency issued an interim CID, dated August 14, 1991, which was included in the instant solicitation.

#### OVERLY RESTRICTIVE SPECIFICATIONS

Aqua-Trol protests that GSA's use of the commercial catalogues of four manufacturers was improper and led to the IFB's overly restrictive requirements. Aqua-Trol objects to various specifications for three types of lawn sprinklers: the multiple "T" head, the rotary head, and the oscillating head. Generally, Aqua-Trol believes that the specifications for these sprinklers should be broader in order to enable more contractors to bid.

Regarding the multiple "T" head sprinkler, the solicitation required that the base of the sprinkler be a sled design or a wheeled design and be of sufficient length and width to provide a stable platform for the sprinkler head during operation. The base was to be designed to allow the sprinkler to be pulled by the hose across level turf when in operation without upsetting. Aqua-Trol argues, among other things, that the two shapes for the sprinkler base are too restrictive and suggests that a triangular base or "any other shape" should be acceptable if it will hold the sprinkler steady.

Aqua-Trol also objects to the specification requirement that the oscillating head sprinkler have a metal spray bar and "shall not be less than 14 inches in length and 5-1/2 inches in width overall" and "be capable of providing uniform distribution of water over a rectangular area of 2,400 square feet or greater. . . ." Among other things, Aqua-Trol claims that sprinklers with plastic spray bars can perform as well as sprinklers with metal spray bars and that oscillating sprinklers are commercially available with a base width from 4-1/2 inches to 7 inches, with smaller width bases than the 5-1/2 inches required by the IFB being as stable as the 5-1/2 inch base.

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<sup>1</sup>In response to the survey, four manufacturers submitted catalogues and/or technical literature; two manufacturers, including Aqua-Trol, submitted product samples.

Finally, Aqua-Trol objects to the specifications for the base design of the rotary head lawn sprinkler, which require either a sled or ring base made of corrosion-resistant metal or plastic. According to Aqua-Trol, only one commercial product currently on the market can meet this requirement. Aqua-Trol again suggests that "any base which is stable and can be pulled across a level turf should be allowed to be used."<sup>2</sup>

#### ANALYSIS

Agencies have the discretion to revise specifications to reflect their determination of how best to accommodate their minimum needs, and are entitled to use relaxed specifications they reasonably conclude will satisfy these needs, in order to obtain competition. See Sea Containers Am., Inc., B-243228, July 11, 1991, 91-2 CPD ¶ 45; Canaveral Maritime, Inc., 69 Comp. Gen. 604 (1990), 90-2 CPD ¶ 41. Determinations of the agency's minimum needs and the best method of accommodating those needs are primarily matters within the agency's discretion, which we will question only if the agency's determination does not have a reasonable basis. Komatsu Dresser Co., B-239808, Aug. 28, 1990, 90-2 CPD ¶ 171.

Here, the record shows that the agency determined its minimum needs, including, for example, the requirement that the sprinkler could be pulled by the hose without upsetting, by consulting the appropriate user activities, and used the commercial catalogues and sample products submitted by manufacturers to modify its specifications to satisfy these needs in a manner which would increase competition.

While Aqua-Trol asserts that it was improper for the agency to use the catalogues of four manufacturers in developing its specifications, design specifications "written around"

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<sup>2</sup>Aqua-Trol also argues that the specifications for the spray nozzle for the multiple "T" head sprinkler which require that the sprinkler have two metal arms with a spray nozzle at the end of each arm, adjustable from a fine mist to a full spray, are ambiguous. However, a solicitation is not ambiguous unless it is susceptible to two or more reasonable interpretations. Herman Miller, Inc., 70 Comp. Gen. 287 (1991), 91-1 CPD ¶ 184. Here, the specifications for the nozzle are clear on their face. While the protester says that it was confused because previous solicitations had given more detailed specifications, each procurement stands on its own and language in past solicitations is not relevant to determining the acceptability of language in this case. See generally Jennings Int'l Corp., 68 Comp. Gen. 79 (1988), 88-2 CPD ¶ 472.

the feature of a particular product are not improper where the specifications are reasonably related to the agency's minimum needs. Loral Fairchild Corp., B-242957, June 24, 1991, 91-1 CPD ¶ 594. In this instance, the agency was reasonably attempting to satisfy user needs by utilizing specifications reflecting the most commonly available commercial designs.

With respect to the specific design modifications, the base design requirement for the multiple "T" head sprinkler, for example, was changed from the prior specifications to require either the sled design or the wheeled base design. Both of these designs are offered by the commercial manufacturers surveyed and, according to the agency, they both provide the needed stability and mobility which it determined, based on surveying user activities, were not adequately provided by other base shapes, such as a triangular design.

Similarly, as to the oscillating head sprinkler, GSA states that the corrosion-resistant metal spray bar is an essential element of the item and that the base size is "crucial since this determines the stability of the sprinkler as the spray arm oscillates." The agency states that based on user experience with this type of sprinkler it concluded that the smaller base suggested by the protester would not provide the necessary stability. Under the revised specifications, three manufacturers can now supply the sprinkler. GSA points out that only two contractors submitted bids on this item in the previous procurement.


Finally, as to the rotary head sprinkler, the agency explains that the base and rotary head are required to be made of molded plastic or corrosion-resistant metal to maximize the durability, performance and life of the item. The base shape, as explained above, includes the sled design or ring base for stability which the agency did not believe was adequate with other shapes. These revised specifications did not have the effect of restricting competition; rather, the record shows that the item as specified is now available from four manufacturers. GSA again points out that previously no more than two contractors bid on this item.

We find that GSA reasonably determined that sprinkler stability and mobility are determined by the sprinkler base size and shape, and that a more durable, longer-life oscillating sprinkler can be obtained with a metal spray bar. Aqua-Trol has not shown that the risks envisioned by the GSA are unreasonable--for example, that use of a triangular sprinkler base would be likely to result in upsetting the sprinkler during operation, or when it is pulled by the hose--or that the requirement of wheeled,

ring, or sled bases is not reasonably related to the elimination of these risks. Similarly, Aqua-Trol has not shown that a plastic spray arm on the oscillating sprinkler is equivalent to a metal arm. Rather, Aqua-Trol merely asserts that other base shapes will not upset and that a plastic spray arm will meet the agency's requirements and that competition is limited by not including these alternatives.

The propriety of a particular procurement is not judged by whether every potential contractor is included, but rather from the perspective of the government's interest in obtaining its requirements at reasonable prices through adequate competition. MDG Indus., Inc., B-240506, Nov. 21, 1990, 90-2 CPD ¶ 415; Inventive Packaging Corp., B-214578, Aug. 10, 1984, 84-2 CPD ¶ 160. There is no requirement that an agency understate its minimum needs merely to increase competition; specifications which limit competition are not unduly restrictive so long as they reflect the government's legitimate minimum needs. Here, while certain of Aqua-Trol's products may have been eliminated from competition, the record shows that the specifications accurately describe the agency's minimum needs and that there are more manufacturers that can supply the requirements under this IFB than under previous procurements. Accordingly, we have no basis to conclude that the specifications are improper.

The protest is denied.

  
for James F. Hinchman  
General Counsel