



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Woodland Container Corporation

File: B-255000

Date: February 3, 1994

Richard C. Jordan for the protester.
Joseph M. Picchiotti, Esq., and Vera Meza, Esq., Department
of the Army, for the agency.
Robert J. Heitzman, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest that agency's invitation for bids for metal components of the 155mm Field Artillery Projectile Pallet is overly restrictive and biased against wood pallets is denied where the agency reasonably determined that only metal pallets meet the agency's minimum needs.

DECISION

Woodland Container Corporation protests invitation for bids (IFB) No. DAAA09-93-B-0277, which the U.S. Army's Armament, Munitions, and Chemical Command issued for various metal components of the 155mm Field Artillery Projectile Pallet (FAPP). The Army issued the IFB as a small disadvantaged business (SDB) set-aside. Woodland, a non-SDB manufacturer of wood pallets, contends that the agency should open the procurement to wood pallet components on an unrestricted basis.¹

We deny the protest.

The Army uses the FAPP for handling and storing munitions. The FAPP was developed to address a number of perceived shortcomings in using wood pallets, such as the flammability of wood and the lack of long-term durability. Woodland

¹The Army argues that because Woodland would not be eligible for award since it is not a SDB, the firm is not an interested party for purposes of challenging the requirement for metal components. We decline to dismiss this issue on interested party grounds, however, because there is no indication in the record that the procurement would have been a SDB set-aside had the agency decided to permit bids to supply wood components.

contends that the IFB is unduly restrictive of competition because wood pallets can meet the agency's needs just as well as metal pallets, and that wood has not been given a fair chance to compete with metal.

In preparing a solicitation for supplies or services, a contracting agency must specify its needs and solicit offers in a manner designed to achieve full and open competition, 10 U.S.C. § 2305(a)(1)(A) (1988), and may include restrictive provisions or conditions only to the extent necessary to satisfy the agency's needs, 10 U.S.C. § 2305(a)(1)(B). Determinations of the agency's minimum needs and of which products meet those needs are properly the agency's responsibility; government procurement officials, who are familiar with the conditions under which supplies and equipment have been and will be used, are generally in the best position to make these determinations. Lab Prods., Inc., B-252452, Mar. 19, 1993, 93-1 CPD ¶ 250; National Mailing Sys., B-250950.2, Feb. 12, 1993, 93-1 CPD ¶ 136. Our Office will examine the agency's determinations only to ensure that they had a reasonable basis. American Body Armor & Equip., Inc., B-238860, July 3, 1990, 90-2 CPD ¶ 4.

We find that the Army's determination to procure metal pallet components was reasonable. The record shows that the Army's development of the FAPP was accompanied by extensive tests demonstrating the viability of metal pallets and their advantages over wood pallets, such as longer life and easier assembly and disassembly. The record contains a report on an Army comparison of the FAPP with an improved wooden pallet which concluded that development of the improved wooden pallet should be terminated. The agency also says that, among other advantages, the FAPP configuration eliminates the need for straps to hold the top and bottom parts of a pallet together and allows for easier access to the munitions.

An agency may determine, without unduly restricting competition, to acquire the particular type of product or design that best meets all of its requirements. Moore Heating and Plumbing, Inc., B-246740, Apr. 1, 1992, 92-1 CPD ¶ 333, aff'd, B-246740.2, July 22, 1992, 92-2 CPD ¶ 37. Here, the Army developed the FAPP, tested it against wood pallets, and concluded that the FAPP was better at meeting its requirements. Although Woodland has provided examples of other tests, conducted principally by private entities, that suggest wood might be preferable with regard to some requirements, this does not establish that the Army's decision to buy the metal FAPP was unreasonable.

There is no indication in the record that Woodland would have any interest in competing under an IFB that did not permit bids to supply wood pallet components. In light of our conclusion that the decision to specify the metal FAPP was unobjectionable, we need not consider the propriety of the agency's set-aside determination.

The protest is denied.

for *Seymour Egan*
Robert P. Murphy
Acting General Counsel