



## Decision

**Matter of:** CM Manufacturing, Inc.

**File:** B-420471

**Date:** April 13, 2022

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Ken Johnson, CM Manufacturing, Inc., for the protester.  
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### DIGEST

1. Protest challenging a solicitation limitation to only one approved source as unduly restrictive of competition is denied where the protester fails to show that the limitation is unreasonable or violates procurement law or regulation.
  2. Protest requesting our Office to conduct an investigation into why the firm was removed as an approved supply source is dismissed for failing to state a valid basis of protest.
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### DECISION

CM Manufacturing, Inc., a small business of Missoula, Montana, protests the terms of request for quotations (RFQ) No. SPE4A6-22-Q-0697, issued by the Defense Logistics Agency (DLA) for hollow pins. The protester contends that the solicitation is unduly restrictive of competition.

We deny the protest.

On January 10, 2022, DLA issued the RFQ seeking quotations to supply 789 hollow pins classified as national stock number (NSN) 5315-01-322-8846. Agency Report (AR), Tab B, RFQ at 1, 4-5. DLA explains that the pins are intended for use on the AH-64 Apache Helicopter. Combined Contracting Officer's Statement and Memorandum of Law (COS/MOL) at 1-2. The Boeing Company (Boeing) is listed as the only approved source of supply. RFQ at 5. The due date set for receipt of quotations was January 20. *Id.* at 1. On January 18, this protest was filed with our Office.

Essentially, the protester alleges that the terms of the RFQ are unduly restrictive of competition because they limit the source of the hollow pins to one supplier--Boeing. Protest at 1; Comments at 1-2. CM Manufacturing argues that it should be allowed to offer hollow pins that it manufactures in-house because: (1) the hollow pins sought by the RFQ are not proprietary to Boeing; and (2) CM Manufacturing previously was an approved supply source for the pins and currently is capable of producing the pins as required. *Id.*

DLA argues that the RFQ's identification of Boeing as the only approved supply source of the hollow pins is reasonable. The agency explains that the engineering support activity (ESA) at Army Aviation and Missile Command (AMCOM) is the lead organization for NSN 5315-01-322-8846, the hollow pins at issue here. COS/MOL at 2. In 2019, AMCOM identified a technical data deficiency within the technical data package for the hollow pins. *Id.* at 3. Following this, AMCOM concluded that certain individual specifications for the pins were now proprietary to Boeing. *Id.* at 3; *see also* AR, Tab G, Technical Data Parts Listing (TDPL) at 1-4. AMCOM concluded that "[t]he Government does not have adequate data, lacks rights to data, or both needed to purchase [the hollow pins] from additional sources." AR, Tab G, TDPL at 3. Based on its review of the relevant information, AMCOM designated Boeing as the only approved supply source for the hollow pins. *Id.* at 3-4. Therefore, the RFQ here identifies Boeing as the only approved supply source for the hollow pins. COS/MOL at 2-4.

The agency also explains that in August of 2021, the DLA competition advocate notified CM Manufacturing of AMCOM's conclusion that sources of the hollow pins other than Boeing were no longer acceptable. *Id.* at 3 (citing AR, Tab Q, Source Removal Letter). The source removal letter cited by the agency states that CM Manufacturing was removed as a supply source because the technical data package for the hollow pins became restricted due to "proprietary specs[.]" AR, Tab Q, Source Removal Letter.

We find that the agency reasonably explains that certain specifications for the hollow pins are proprietary to Boeing, which is why the RFQ lists Boeing as the only approved supply source. *See* COS/MOL at 3. The protester's comments on the agency report do not meaningfully address the agency's explanation; like the protest, the comments speculate about the proprietary nature of the pins but do not provide our Office with a reason to question the agency's position.

For example, CM Manufacturing recites the history of the hollow pins but does not explain the legal or factual significance of that history with respect to the agency's position. CM Manufacturing also raises questions as to how the agency could have included certain exhibits in the agency report if the hollow pins are proprietary to Boeing, but does not explain what these exhibits are, why they are important or relevant, or how the inclusion of these exhibits in the record proves that the hollow pins are not proprietary to Boeing. *See e.g.*, Comments at 1-2 ("Tab H [] states that current data for this part has been marked proprietary. If this is the case then how was tab K provided?"). Here, the protester is asking our Office to infer that the hollow pins are not proprietary but does not support this allegation. We conclude that the protester has

failed to demonstrate that the agency's decision to restrict the source of the hollow pins to Boeing was unreasonable or violated procurement law or regulation. Accordingly, we deny this protest ground. *Cf. Potomac Elec. Corp.*, B-418908, B-418908.2, Oct. 16, 2020, 2020 CPD ¶ 328 at 7 (an agency may limit an award to approved sources where it does not have adequate data to conduct a competitive procurement).

The protester also asks our Office to investigate the agency's decision to remove CM Manufacturing as an approved supply source of the hollow pins. Protest at 1 ("CM requests the GAO to investigate why CM was removed as an approved source when the approval letter clearly shows CM Manufacturing approved."). The protester argues that "[CM Manufacturing] cannot find any regulations where it states that an approved source shall be removed due to an expired [technical data package]." Comments at 1.

This argument does not state a legally or factually sufficient basis of protest. 4 C.F.R. §§ 21.1(c)(4), (f). In this regard, the protester has not demonstrated, or even alleged, that the agency's actions violated law or regulation. Based on the record before us, we conclude that the protester has not established a legal and factual basis of protest as contemplated by our regulations. Accordingly, this ground of protest is dismissed. 4 C.F.R. § 21.5(f); *See Raytheon Blackbird Techs., Inc.*, B-417522, B-417522.2, July 11, 2019, 2019 CPD ¶ 254 at 3; *Electra-Motion, Inc.*, B-229671, Dec. 10, 1987, 87-2 CPD ¶ 581 at 1-2 ("It is [] not our practice to conduct investigations pursuant to our bid protest function for the purpose of establishing the validity of a protester's speculative statements.").

In conclusion, based on our review of the record, we find no basis to question DLA's decision to limit the source of the hollow pins to Boeing. The protester has not established that the agency acted unreasonably or violated applicable procurement law or regulation.

The protest is denied.

Edda Emmanuelli Perez  
General Counsel