



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Repco, Inc.
File: B-227642.3
Date: November 25, 1987

DIGEST

Protest alleging that solicitation's specifications for radio communication intrusion detection system are excessive and unduly restrictive of competition is denied where protester merely disagrees with agency's determination of its minimum needs and fails to show that the radio frequency requirements in the solicitation, which are needed to provide clear signals in an area of high radio interference, are clearly unreasonable or that they exceed the agency's minimum needs.

DECISION

Repco, Inc. protests invitation for bids (IFB) No. DAEA18-87-B-0086, issued by the Department of the Army to provide and install a commercial intrusion detection system for the Provost Marshal's Office at Fort Huachuca, Arizona. Repco protests that the radio frequency (RF) specifications overstate the agency's minimum needs and are, therefore, excessive and unduly restrictive of competition.

The protest is denied.

The IFB, issued on June 5, 1987, solicited bids to furnish the component parts and installation of a commercial intrusion detection system, Motorola INTRAC 2000 or equal. The purchase description indicated that the system is to consist of two central stations, 75 remote alarm transceiver units capable of being interfaced with all in place intrusion detection systems and linked to a central control unit by an RF communications channel. The IFB included a detailed list of salient characteristics to be met by any proposed system.

The protester objects generally to the specific frequency requirements for the radio portions of the solicited base station and status and control transceiver unit. For example, the specifications require that the base station have a 132-174 Megahertz narrow band width and be highly selective at "-100 decibels." According to Repco, Motorola

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provided the RF specifications to the agency which then included them in the solicitation. Repco argues that the specifications are unique to the Motorola system, excessive of the agency's minimum needs and unduly restrictive of competition.^{1/}

The contracting agency has the primary responsibility for determining its minimum needs and the best method of accommodating those needs. Doss Aeronautical Services, Inc., B-222914, Aug. 27, 1986, 86-2 CPD ¶ 232. The contracting agency also has the primary responsibility for drafting the specifications to reflect its minimum needs. PTI Services, Inc., B-225712, May 1, 1987, 87-1 CPD ¶ 459; Superior Boiler Works, Inc., B-216472, Mar. 25, 1985, 85-1 CPD ¶ 342. We will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Ray Service Co., 64 Comp. Gen. 528 (1985), 85-1 CPD ¶ 582.

Where, as in this case, a protester challenges a specification as unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support for its position that the restrictions it imposes are reasonably related to its needs. Nupla Corp., B-225545, Mar. 6, 1987, 87-1 CPD ¶ 264. Once the agency establishes this prima facie support, the burden shifts to the protester to show that the requirements complained of are clearly unreasonable. PTI Services, Inc., B-225712, supra.

The agency states in its report that, because of high interference levels at Fort Huachuca, the band and selectivity requirements for the radio portion of the system are essential to producing clear radio signals and that the failure to obtain clear signals will impact adversely on the system's operation and the security function. In response to Repco's protest, the contracting officer contacted the Chief of Field Service, Electronic Proving Ground (EPG), Fort Huachuca, Arizona, to validate the requirement for a

^{1/} Initially, Repco took exception to a number of the IFB's specification provisions. However, since the initial solicitation was issued, the procuring agency has issued several amendments to the solicitation to incorporate many of Repco's suggestions. In the protester's written comments of November 4, 1987, Repco withdrew its protest issues regarding printer specifications and the requirement for Defense Intelligence Agency approval. It is our understanding that the only protest issue that remains to be resolved is the alleged restrictiveness of the RF specifications.

radio system capable of receiving and supplying signals in a high interference area. The agency states that EPG engineers are recognized as Army experts on radio transmissions and that the senior engineer contacted was very familiar with the interference levels at Fort Huachuca and the Motorola and commercial products which are the subject of this protest. It is the EPG engineer's technical opinion that very high levels of interference exist at the Fort Huachuca installation and that the intrusion detection system requires a very narrow band width to provide clear signals, and, thus to operate properly and perform its security and detection function. Additionally, the EPG engineer advised that the receiver must be highly selective or pulsing will occur which would disrupt the radio's effective operations.

We find no basis to question the reasonableness of the Army's requirement for the RF specifications listed in the solicitation, particularly the requirements for a very narrow band width and highly selective receiver. The Army has shown that the specifications for the radio portions of the system were set due to the large number of electronic testing facilities, and the high interference potential, on the installation.

In its comments on the agency's report, Repco argues that there is "no factual showing that any interference potential exists with the proposed system" and the "subjective opinion" of an EPG engineer "sheds no light on the actual requirements for the system." Repco does not, however, rebut the agency's statement that the EPG senior engineer's technical findings are based on Army expertise of radio transmissions and his knowledge of the interference conditions at Fort Huachuca. To the extent that Repco alleges that the RF specifications are excessive and that the Army has not shown that any interference potential exists, we are not convinced by Repco's arguments.

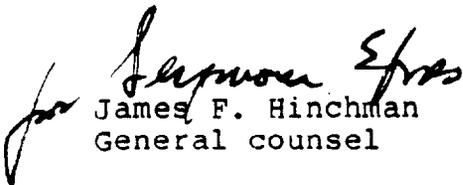
This protest issue essentially presents a disagreement between Repco and the Army's engineers over whether the RF specifications are justified and reasonable in accordance with the agency's minimum needs. We have consistently held that in technical disputes a protester's mere disagreement with the agency's opinion, even where the protester's position is supported by expert technical advice, does not invalidate the agency's opinion. London Fog Co., B-205610, May 4, 1982, 82-1 CPD ¶ 418; T-L-C Systems, B-223136, Sept. 15, 1986, 86-2 CPD ¶ 298. Since it is the protester which must bear the heavy burden of showing that the contracting agency's technical opinion was unreasonable, we defer to the Army's engineers on this technical matter and conclude that Repco has not carried its burden of proof.

Terex Corp.; Caterpillar Tractor Co., B-217053; B-218535,
July 24, 1985, 85-2 CPD ¶ 76 at 7.

RepcO also argues that the RF specifications are restrictive since they were "included simply because they are those of the originally intended Motorola system" and are available only from Motorola. Specifications based upon a particular product are not improper in and of themselves, and an argument that a specification was "written around" design features of a competitor's product is not itself a valid basis for protest where, as here, the agency establishes that the specification is reasonably related to its minimum needs. PacifiCorp Capital, Inc., B-227822, July 31, 1987, 87-2 CPD ¶ _____. Moreover, it is well established that the number of possible sources for an item or service does not determine the restrictiveness of specifications. Doss Aeronautical Services, Inc., B-222914, supra.

The protester has not persuasively rebutted the agency's justification for the RF specifications and has failed to meet its burden of showing that the specifications are clearly unreasonable. Accordingly, we deny Repco's protest that the IFB's RF specifications are excessive and unduly restrictive.

The protest is denied.


James F. Hinchman
General counsel