



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: King-Fisher Company
File: B-232497.2
Date: January 24, 1989

DIGEST

1. Protest that awardee's fire alarm system does not comply with certain provisions of a National Fire Protection Association Standard concerning publicly accessible fire alarm boxes is denied where the request for proposals indicates that the agency is not purchasing items to which the provisions apply.
2. Protester's bare allegation that the successful offeror's fire alarm system testing device has not been approved by the Factory Mutual System in accordance with the solicitation is not sufficient to refute the successful offeror's representation that the offered system is approved and the agency's confirmation in that regard.

DECISION

King-Fisher Company protests the award of a contract to Monaco Enterprises, Inc., under request for proposals (RFP) No. N62475-84-R-0182, issued by the Department of the Navy for a fire alarm system for the Naval Air Station in Signorella, Italy. King-Fisher asserts that Monaco's alarm system does not comply with certain paragraphs of National Fire Protection Association (NFPA) Standard 1221, and that the system's receiving consoles were not fully tested and certified by either Underwriters Laboratories or the Factory Mutual System (FM), as required by the RFP, and therefore may not function properly.

We deny the protest.

Three offerors responded to the RFP by the September 7, 1988, closing date. On September 29, the Navy awarded the contract to Monaco, the low offeror at \$221,210. The protester's offered price was \$270,000.

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King-Fisher first argues that Monaco's system does not comply with paragraphs 4-1.4.2.3 and 4-1.4.2.4 of NFPA Standard 1221, which concerns the installation, maintenance, and use of public fire service communications systems. The Standard was incorporated by reference by section 16723 of the Navy Field Guide Specification for radio-type fire alarm systems that was included in the RFP. The two cited paragraphs require, respectively, that "publicly accessible fire alarm boxes" give a visible or audible signal when used, and that concurrent operation of at least four boxes not result in the loss of an alarm.

King-Fisher argues that the RFP calls for "street boxes," which are defined in the Standard as manually activated publicly accessible alarm boxes, and "master boxes," which can be activated both manually and by a remote operator. Since both types of boxes can be operated manually by the general public, King-Fisher argues, they are publicly accessible boxes within the meaning of the Standard and thus must meet NFPA Standard paragraphs 4-1.4.2.3. and 4-1.4.2.4.

The Navy responds that its basic requirement, as stated in RFP specification 16723, is for radio fire alarm transmitters, not alarm boxes for use by the general public; the agency claims that the transmitters are not "publicly accessible" alarms because they are not configured for manual operation. The Navy argues that the cited paragraphs of NFPA Standard 1221 therefore do not apply in this procurement.

We see no basis to object to the Navy's position. RFP paragraph 1.5, entitled "System Design," describes the Navy's need as being a "complete base-wide municipal-type radio fire alarm system, complying with NFPA 1221 . . . except as modified herein," and provides for connecting the system to existing local building fire alarm systems and manual pull stations, to form an auxiliary alarm system. While the parent Navy Field Guide Specification section 16723 includes street and master boxes as optional elements of the system design to allow manual initiation of fire alarm transmissions "by the general public," the Navy specified in its RFP an alternative design requirement for exterior and interior transmitters to allow manual initiation "by the general public manual pull stations." Moreover, we note that expressly deleted from the version of Navy Field Guide Specification section 16723 included in the solicitation were the specifications for master and street box radio transmitters that are set out in the parent Specification.

In sum, it appears that while that Navy is buying fire alarm transmitters that interface with manual pull boxes, the publicly accessible boxes contemplated in the RFP as part of the system are those already in use, not ones to be provided by the contractor; as we read the RFP, the Navy only asked the contractor to connect its system to the existing manual pull alarm boxes. Further, we have no reason to dispute the Navy's position that a publicly accessible box is a manually operated one. Accordingly, we agree with the agency that paragraphs 4-1.4.2.3 and 4-1.4.2.4 of NFPA Standard 1221 do not apply here, and we therefore deny this aspect of King-Fisher's protest.

King-Fisher next argues that Monaco falsely represented in its proposal that its receiving consoles are FM-approved. King-Fisher's argument focuses on the RFP requirement for a polling function, which permits initiation of the test of an alarm transmitter from the console. According to the RFP, each of the two consoles must have a polling device, with one constantly active and the other in standby status, so that failure of the active device will automatically cause the second one to take over the polling function. Paragraph 4-3.4.2.2 of NFPA Standard 1221, which applies where a polling function is called for, sets out essentially the same requirement as does the Navy's solicitation in that regard. The basis for King-Fisher's argument is the firm's understanding that FM, in examining Monaco's system for approval, was furnished only one console. King Fisher suggests that in these circumstances there can be no assurance that Monaco's polling function will work properly.

King-Fisher further complains that, in any event, the 1988 FM Approval Guide indicates only that Monaco's model "D 500 II" console is approved, whereas in this procurement Monaco offered model "D 500 Plus."

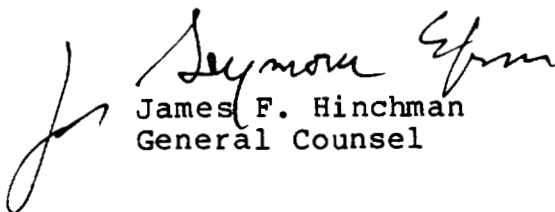
The Navy responds that in Monaco's system both consoles work continuously on alternating cycles, testing and receiving current status data from each of the transmitters. According to the agency, FM has accepted this method of meeting paragraph 4-3.4.2.2 of NFPA Standard 1221. The agency further states that its own review also shows that Monaco's console meets the RFP's requirement with respect to polling function.

We deny the protest on the issue of FM approval. The RFP required an approved system and the fact is that Monaco's system has FM approval, although we recognize King-Fisher's concern that the FM review was not thorough enough

in light of the RFP's requirements. Further, we are not persuaded of any impropriety by the fact that the "D 500 Plus" is not specifically listed in the 1988 FM Guide, since (1) it is not clear whether the Guide was current at the time of the award to Monaco, when the subject requirement had to be met; (2) we understand that the "D 500 Plus" is only an enhanced version of the "D 500 II" and the Navy states that Monaco has confirmed that all the equipment it offered was FM-approved; and (3) the Navy independently determined that Monaco's polling function met RFP/FM requirements.

As to whether Monaco's polling function will work properly notwithstanding FM approval of the system, a procuring agency has the primary responsibility for determining whether offered equipment meets the agency's requirements. Protek Industries, Inc., B-209505, Sept. 22, 1983, 83-2 CPD ¶ 359. We therefore will not disturb the agency's technical decision that the equipment offered meets those needs absent a clear showing by the protester that the decision was unreasonable. Research Analysis & Management Corp., B-229057, Nov. 25, 1987, 87-2 CPD ¶ 523. As stated above, the Navy has reviewed the matter and found that the console meets all the RFP's technical requirements. King-Fisher's speculation to the contrary provides no basis for our Office to question that determination. See Proprietary Software Systems, B-228395, Feb. 12, 1988, 88-1 CPD ¶ 143.

The protest is denied.


James F. Hinchman
General Counsel