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DECISION

THE COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

9324

FILE: B-193677 DATE: March 6, 1979

MATTER OF: Joseph Albanese & Associates

DLG01064

DIGEST:

[Protest Concerning Award of Contract for Shorthand Reporting Services]

Protest of agency's determination to procure nationwide shorthand reporting requirements from single contractor rather than through award of regional contracts is denied since determinations to procure by "total package" approach rather than by separate procurements for divisible portions of the requirements are not disturbed unless they are clearly shown to be without a reasonable basis and no such showing has been made.

Joseph Albanese Associates (Albanese) protests the decision of the Occupational Safety and Health Review Commission to procure shorthand reporting services from a single contractor for the entire country. Albanese questions the propriety and legality of this change from the customary practice of procuring such services on a regional basis. It asserts that this change will limit competition and undermine the Government's policy of encouraging small business.

The Commission states that previously its reporting services were obtained through General Services Administration (GSA) contracts which were awarded on a regional basis to a number of prime contractors. The Commission reports that it experienced considerable administrative difficulties in dealing with each of the contractors and in resolving performance deficiencies which proved to be costly in time and money both to it and to GSA. By procuring all of its reporting services from a single prime contractor which is expected to subcontract with other firms, the Commission hopes to reduce

both its costs and its administrative problems. The Commission denies that such a contract is adverse to the interest of small business and points out that although this procurement was not set aside for small business, four of the six bids came from small businesses.

Determinations of the minimum needs of an agency and the methods of accommodating them are properly the responsibility of the contracting agency and this Office will not disturb such determinations unless it is clearly shown that a contract awarded upon the basis of the solicitation would unduly restrict competition. Maremont Corporation, 55 Comp. Gen. 1362 (1976), 76-2 CPD 181; Keystone Diesel Engine Company, Inc., B-187338, February 23, 1977, 77-1 CPD 128. In this connection, we have pointed out that "it is for the contracting agency to determine whether to procure by means of a total package approach rather than by separate procurements for divisible portions of the total requirement", and that those determinations also will not be disturbed unless they are shown to lack a reasonable basis. See Capital Recording Company, B-188015, B-188152, July 7, 1977, 77-2 CPD 10 and Control Data Corporation, 55 Comp. Gen. 1019 (1976), 76-1 CPD 276. Although sole source procurements in the cited cases precluded competition, we upheld the agencies on grounds that the protesters had failed to establish the determinations to be unreasonable. Here, of course, there was competition for the national contract. We find that although Albanese strongly challenges the Commission's projected savings, efficiencies, and the seriousness of past contract administration difficulties, it has not clearly shown that the decision to award a national contract was illegal, unduly restrictive of competition, or without a reasonable basis.

This protest is denied.

R. F. Keller

Deputy Comptroller General
of the United States