



**The Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

**Matter of:** Carey Machinery & Supply Co., Inc.  
**File:** B-233455  
**Date:** February 17, 1989

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### DIGEST

Protest that solicitation specifications for air compressors are overly restrictive of competition is denied where the record supports the contracting agency's determination that the specifications are necessary to meet its minimum needs.

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### DECISION

Carey Machinery & Supply Co., Inc., protests the specifications relating to air compressors contained in invitation for bids (IFB) No. GS-11P88MKC0273, issued by the General Services Administration (GSA). The protester alleges that the specifications exceed the agency's minimum needs and effectively restrict competition to a single air compressor manufacturer.

We deny the protest.

The IFB, issued on October 5, 1988, solicited bids to install two air compressors at the West Heating Plant in Washington, D.C. Although the IFB specifications call for "2 Joy Model WGOL9 (air compressors) or approved equal," the protester asserts that competition effectively is limited to the brand name since the specifications relating to three parts of the compressor--the gapless segmented piston ring, the field replaceable wet-cylinder liner, and the main crankshaft roller bearings--are available only in the Joy model. Carey also contends generally that the specifications exceed GSA's minimum needs. Nine bids were received at bid opening; Carey did not submit a bid.

In preparing a solicitation for supplies or services, a contracting agency must specify its needs and solicit bids or offers in a manner designed to achieve full and open competition, so that all responsible sources are permitted to compete. 41 U.S.C. § 253(a)(1)(A) (Supp. IV 1986); Warren Oliver Co., B-228081.2, Dec. 3, 1987, 87-2 CPD ¶ 543.

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Consequently, when a protester challenges specifications as unduly restrictive of competition, the procuring agency bears the burden of presenting prima facie support for its position that the restrictions are necessary to meet its actual minimum needs. CAD/CAM On-Line, Inc., B-226103, Mar. 31, 1987, 87-1 CPD ¶ 366. Determinations of the agency's minimum needs and the best method of accommodating those needs are primarily matters within the agency's discretion and, thus, once the agency establishes support for challenged specifications, the burden shifts to the protester to show that the specifications are clearly unreasonable. Warren Oliver Co., B-228081.2, supra.

This protest essentially involves a disagreement between GSA and Carey over whether the air compressor specifications are necessary to meet the agency's minimum needs. As discussed further below, we believe that GSA has made a prima facie showing--which the protester has not rebutted--that the challenged specifications are reasonably related to its minimum needs, since they increase the overall efficiency, longevity and durability of the air compressors which are needed to ensure the operation of the West Heating facility.

As a preliminary matter, Joy contends that the gapless segmented piston ring, the field replaceable wet-cylinder liner and the main crankshaft roller-type bearings are available only in air compressors manufactured by Joy. GSA disagrees, stating that none of these parts is proprietary to Joy; all patents on these items have expired; and all parts are standard in the industry. The protester acknowledges that it could modify its non-Joy manufactured air compressor to meet two of these specifications, the gapless segmented piston ring and the field replaceable wet-cylinder liner, but states that it chose not to do so because of the expense involved. With respect to the third part, the main crankshaft roller-type bearing, GSA has identified five other air compressor manufacturers, besides Joy, that use roller-type bearings to establish that such bearings are not proprietary to equipment manufactured by Joy; the protester has failed to rebut GSA's position or offer any evidence that this part is proprietary. Accordingly, to the extent that the protester contends that the three parts are proprietary to air compressors manufactured by Joy, the protest is without merit.

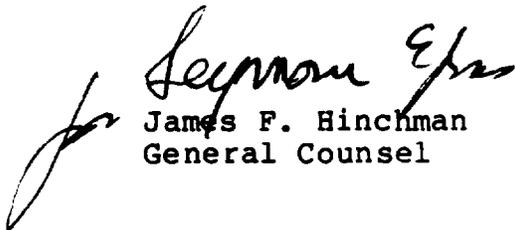
Further, we find that GSA has established that all three parts are reasonably related to its minimum needs. With regard to the gapless segmented piston ring, GSA states that it included this part in the solicitation because it will maintain its rated capacity and efficiency throughout the life of the part. With regard to the wet-cylinder liner,

GSA states that it prolongs the life of the equipment by allowing the replacement of the liner, thereby eliminating the need to overbore the cylinder and use an oversized piston when the liner wears out. In response, the protester states only that while it can meet these two requirements, it chose not to since it would have involved a costly and complete redesign of the non-Joy air compressor it would have proposed. However, the fact that a requirement may be difficult for a particular firm to meet does not make it objectionable if it properly reflects the agency's minimum needs, as it does here. See G.S. Link and Assocs., B-229911, Mar. 11, 1988, 88-1 CPD ¶ 255.

With regard to the third part, the main crankshaft bearing, the protester objects to the IFB requirement for roller-type rather than sleeve-type bearings. GSA states that roller-type bearings eliminate wear on the air compressor shaft, eliminate end play, and prolong the useful life of the compressor. The protester does not respond to GSA's position in any detail; rather, the protester merely states that the roller-type bearings have "no real benefit," and that sleeve-type bearings last longer. At most, Carey's position constitutes a disagreement with GSA's technical judgment as to the advantages of roller-type bearings. Such a technical disagreement is not sufficient, however, to show that the requirement for roller-type bearings is unreasonable. RepcO, Inc., B-227642.3, Nov. 25, 1987, 87-2 CPD ¶ 517.

Since the record supports, and Carey has not rebutted, GSA's determination that the challenged specifications are necessary to meet its minimum needs, we see no basis to conclude that the specifications overly restrict competition.

The protest is denied.

  
James F. Hinchman  
General Counsel