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

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B-177312

April 19, 1973

DG06408

Howe, Finch & Sauers
Post Office Box 759
Palo Alto, California 94302

Attention: Stephen W. Player, Esquire

Gentlemen:

Further reference is made to your telegram dated October 24, 1972, and subsequent correspondence, written on behalf of Granger Associates (Granger), in which you protest the contemplated award of a contract to Gayston Corporation (Gayston) under request for proposals No. DSA900-73-R-1373, issued by the Defense Electronics Supply Center (DESC), Dayton, Ohio, for the purchase of electrostatic dischargers and retainers, which reduce static noise in communication systems and are to be installed in supersonic aircraft. DG06407 DG02421 AGC01474

The solicitation was issued on October 5, 1972, and the deadline for receipt of proposals was October 26, 1972. Proposals were received from four firms including Granger and Gayston.

It is your contention that Gayston is an unqualified offeror and should not be considered for an award under this procurement. You base this assertion on the fact that the Gayston part is a modified subsonic part which has never been flight tested on supersonic aircraft; and that evaluation of the Gayston item cannot be considered complete until supersonic flight testing has been accomplished. While you acknowledge that Gayston's discharger was successfully tested under simulated conditions in accordance with MIL STD 810-B, which established Air Force standards for the equipment requested, you nevertheless maintain that without supersonic in-flight testing it cannot be determined that under any known military standard (MIL STD) or military specification (MIL SPEC) how the Gayston part would actually perform. You state that Granger's past experience has demonstrated some of the problems which can arise without actual in-flight testing. By way of illustration, you point out that a subsonic Granger model discharger modified into a high environmental model, proved to be mechanically unsatisfactory in actual flight tests under supersonic conditions despite successful testing under laboratory conditions in accordance with procedures defined by MIL STD 810-B.

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You therefore conclude that there is cause to be concerned that the Gayston unit may experience some difficulty when placed on the supersonic aircraft; and thus award should not be made to Gayston until the units have been tested on supersonic aircraft during the complete aircraft flight profile.

In response to your allegations, the Defense Supply Agency submitted a memorandum as part of its report to this Office which included the following statements concerning the procurement of dischargers:

* * * * *

> 7. The office within the Air Force responsible for providing engineering support to DESC on the item under protest is Air Force Logistics Command (AFLC) SMAMA/MMRE, Wright-Patterson Air Force Base, Ohio. Prior to issuance of Solicitation DSA900-73-R-1373, DESC received an "Engineering Procurement Data Package (PDP)" form (AFLC Form 1193) dated 22 September 1972 from SMAMA/MMRE * * * stating that both Granger Part Number 001-7750-01 and Gayston Part Number 700LC/2 were approved items which would meet Air Force requirements.

Paragraph 2 of the "Remarks" section of said form reads as follows:

> The sources listed in Section IV have been approved by two manufacturers of aircraft and by electrical and environmental testing in Government approved testing laboratories and by AFSC and AFLC Departments of the U.S. Air Force.

* * * * *

> 9. Hill Air Force Base, Ogden Air Materiel Area, Ogden, Utah, advised DESC by wire dated 16 October 1972 that engineering evaluation and testing indicated that static dischargers manufactured by Granger, Gayston and Shaw Aero Devices were acceptable in support of USAF aircraft. By wire dated 12 November 1972 * * * Hill Air Force Base affirmed its approval of Granger, Gayston and Shaw Aero Devices, and also indicated that Dayton Aircraft Products was also considered an acceptable source at the present time.
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> 10. Headquarters, Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio, as early as 9 November 1971 determined that the Gayston Model 700 static discharger was approved for Air Force procurement * * *. Such approval was based on an unsolicited proposal from Gayston dated 26 May 1971 * * *.

11. By letter dated 13 November 1972 * * *, Headquarters Aeronautical Systems Division confirmed its previous opinion that the item offered by Gayston was a satisfactory item.

The Technical arguments which you make in behalf of Granger to the effect that the item offered by Gayston will not function properly on aircraft at supersonic speeds has in our opinion been answered satisfactorily by Headquarters, Aeronautical Systems Division's letter dated November 13, 1972, wherein it was stated in relevant part:

2. Granger is basing their comments on a condition that exists with all laboratory tests that attempt to simulate 'real world' environments. Since, it is not feasible for laboratory tests to exactly duplicate all the physical environments that exist on aircraft, there is always an uncertainty, which is usually minor. The same basic situation exists on aircraft tests. Satisfactory operation on one aircraft does not guarantee satisfactory operation on another aircraft, since the environments on each are somewhat different.

3. MIL-STD-810 was used for testing Gayston's dischargers for the physical environments. This document is the responsibility of the Air Force Flight Dynamics Laboratory, who have established environmental tests and limits that realistically simulate the actual environments. The basic tests have been used on many aircraft equipments for at least ten years and successful compliance with these laboratory tests is required prior to installing new equipment in aircraft. ASD experience with these standard environmental tests over the past ten years has been good. We have found that equipment meeting these tests will operate satisfactorily when installed on aircraft, with only a few exceptions. Special flight tests for environmental validation have seldom been necessary.

4. ASD believes that the environmental tests performed to qualify the Gayston discharger are sufficient. Other types of equipment, such as navigation light fixtures, have been tested to similar requirements and are operating successfully on aircraft at locations close to the static dischargers. Also, the Gayston test procedures were reviewed by qualified environmental specialists from the Flight Dynamics Laboratory to ensure that the tests were performed correctly. Since, the requirements applied to the Gayston dischargers have proven to be adequate on many previous procurements, there seems to be little risk involved in this case.

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We have held that the establishment of procedures, including the responsibility of determining the testing necessary for product acceptability, is within the ambit of the expertise of the cognizant technical activity. See B-176256, November 30, 1972. In B-165631, June 25, 1970, where the principal basis of the protest was that the item had not undergone sufficient testing, we rejected the protest noting that the "acceptability of the resuscitator was determined on the basis of the test data and reports actually of record, and which were submitted by the personnel or activities having primary responsibility for the material or conclusions contained therein." In another case, where the contention made was that the procedures employed for qualifying were less stringent than necessary, we stated that "our Office is not equipped to consider the technical sufficiency of such engineering determinations, and since such determinations are matters primarily of administrative discretion, we will not substitute our opinion for that of the technical activity assigned the duty to oversee part acceptability." B-172901, B-173039, B-173087, October 14, 1971. Since in the instant case technical personnel having responsibility for the aircraft on which the discharger is to be installed have determined that flight testing is not necessary and testing in accordance with the cited MIL-STD is sufficient, there is no basis for our Office to interpose an objection to the determination that Gayston is an approved source.

In view of the foregoing, your protest is denied.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States