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The Honorable Claude Pepper
House of Representatives

Dear Mr. Pepper:

As requested in your letter of October 2, 1972, we examined the
Federal Aviation Administration's (FAA's) August and September 1972
procurement of weapon detectors for the aircraft antihijacking pro-
gram and the consideration FAA gave to purchasing detectors from
Infinetics, Inc. Before the Government procured these detectors,
several airlines had purchased detection equipment from Infinetics,
Inc., to be used under a voluntary FAA-sponsored passenger screening
program. 30

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In May 1972 the Department of Transportation requested that the
Congress appropriate funds for FAA to acquire and furnish weapon de-
tectors to airlines because such action was needed to expedite acqui-
sition and use of detectors at airports. At that time FAA decided
that the detectors would have to detect both ferrous and nonferrous
metals. According to FAA, this decision resulted from a Department
of the Treasury weapons expert's estimate that at least 15 percent
of the hand guns in public use contained mostly nonferrous metal
and from recent technology applications that made it possible to
detect nonferrous metal weapons. The Department of the Treasury
expert advised us that he based the percentage of nonferrous hand
guns on his observations of confiscated weapons.

During 1971 and 1972 the Department of Transportation and FAA
evaluated the performance of major handheld and walkthrough weapon
detector systems. In July 1972 FAA established a performance goal
which provided that detectors should identify at least 85 percent
of passengers carrying weapons with less than a 15-percent false
alarm rate for passengers not carrying weapons. During July and
August 1972, FAA tested walkthrough weapon detectors produced by
several manufacturers against this performance goal with the
following results.

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<u>Manufacturer</u>	<u>Test dates</u>	<u>Detection rate (percent)</u>	<u>False alarm rate (percent)</u>
A	July 17 to 19, 1972	91	8.8
B	July 17 to 19, 1972	85	13.5
C	July 17 to 19, 1972	49	21
Infinetics, Inc.	August 12 to 14, 1972	80.2	35.7
D	August 18, 1972	85.2	62.7
E	August 23 to 25, 1972	71.5	26.3
F	August 28 to 30, 1972	94.2	12.5

Infinetics, Inc., weapon detectors were the only detectors included in these tests that did not react to nonferrous metals. FAA officials advised us that handheld detectors were not tested in July and August 1972 because earlier testing revealed that there were sufficient metal-detecting handheld devices on the market which could meet FAA's detection performance goal.

ACQUISITION OF WEAPON DETECTORS

On August 1, 1972, the FAA Administrator declared that the threat of air piracy was an emergency situation requiring immediate action and issued a regulation that required airlines to screen and search air passengers fitting certain characteristics promulgated by FAA, either through the use of metal detectors or through personal searches when metal detectors were unavailable. On the same day the Secretary of Transportation directed the FAA Administrator to purchase the best available weapon detectors so that they could be used as soon as possible. The Secretary advised the Administrator that (1) weapon detectors already evaluated and found satisfactory by the airlines should be purchased, (2) further tests and evaluations, could not be justified, and (3) improvements could be made later.

Between August 14 and September 12, 1972, FAA awarded \$2.7 million in contracts without formal advertising for 1,200 handheld and 1,091 walk-through weapon detectors. FAA justified this procurement approach under the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(2)), which provides that an agency head may negotiate contracts without advertising if the public exigency will not permit the delay incident to advertising.

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The Department of Transportation and Related Agencies Appropriations Act, 1973 (Public Law 92-398), approved on August 22, 1972, provided \$3.5 million for FAA to purchase weapon detectors. Procurements made before that--250 handheld and 107 walkthrough detectors for about \$465,000--were charged to FAA's 1973 operating fund accounts under continuing resolution authority. 29

An FAA official advised us that (1) about \$800,000 of the appropriated funds were withheld from commitment to allow for possible production availability of additional weapon detectors, for acquisition of newly developed detectors for test purposes, and for coverage of damaged shipments and (2) the remaining \$2.7 million was applied to purchase walkthrough detectors to cover critical gates at major airports and handheld detectors to cover the remaining gates at these airports and gates at other airports used by the airlines. According to FAA, the quantities purchased were based on an assessment of the capabilities of each nonferrous metal detector manufacturer to produce and deliver acceptable equipment in the shortest time.

FAA purchased units from each of the manufacturers whose detectors it evaluated during July and August 1972, except Infinetics, Inc., and manufacturer E. FAA officials said that Infinetics, Inc., products could not detect nonferrous metals at the time the procurement was made and were disqualified under the performance criteria established in May 1972. FAA did not purchase manufacturer E's detector because FAA determined that the manufacturer's production capability was inadequate at the time of the procurement.

FAA's July and August 1972 tests of walkthrough detectors disclosed that manufacturers C and D could not meet FAA's false alarm rate goals and that C's product detection rate was considerably below the 85-percent performance goal. FAA stated that it justified awarding contracts to C and D because of (1) the overriding requirement to install as many detectors with ferrous and nonferrous metal detection capability as fast as possible and (2) the ability of the manufacturers to meet production and delivery schedules. Also, we were told that FAA assumed a substantial number of existing or planned airline orders for these detectors.

ACTIONS FOLLOWING PROCUREMENT

FAA plans to equip all passenger boarding areas at major airports with walkthrough detectors. To accomplish this objective, FAA recently requested and received approval from the House and Senate Appropriations Committees to expend an additional \$2.5 million for weapon detectors from fiscal year 1973 funds appropriated for other FAA operating activities. Also, FAA asked airlines to furnish FAA with estimates of additional walkthrough detector requirements.

Following the August procurement, FAA has continued to test walkthrough weapon detectors that did not meet the FAA detection and false alarm goals in the July and August 1972 tests. Both manufacturer C and Infinetics have modified their walkthrough detectors and have met FAA performance goals in recent tests. FAA expects to retest manufacturer D against FAA performance goals soon.

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In January 1973 FAA contracted to purchase 150 walkthrough detectors from Infinetics, Inc., although these detectors still could not detect nonferrous metals. FAA officials said that the Infinetics detector had been modified to enable detection of ferrous elements of predominately nonferrous weapons, thereby satisfying FAA's established performance goals.

We did not provide the Department with an opportunity to formally review and comment on this report; however, a responsible FAA official concurred with the factual information presented.

We find no legal basis to object to FAA's funding or procurement practices in this case. We trust this information will serve your purposes.

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As agreed with your office, we are sending a copy of the report today to the Chairman of the Special Subcommittee on Investigation, House Committee on Interstate and Foreign Commerce. We do not plan to distribute this report further unless you agree or publicly announce its contents. H-2309

Sincerely yours,



Comptroller General
of the United States