



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

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B-177744

MAY 30 1973

Daniels Manufacturing Corporation  
2266 Franklin Road  
Bloomfield Hills, Michigan 48013

Attention: Mr. T. J. Dedo  
President

Gentlemen:

This is in reply to your telefax message dated January 5, 1973, and subsequent correspondence, protesting the issuance of Solicitation Nos. FPNTN-E6-50987-A-10-13-72 (50987) and FPNTN-E6-57614-A-1-10-73 (57614), by the General Services Administration (GSA).

The solicitations covered definite quantities of a manual compression type crimping tool for crimping terminals on number 26 through number 10 wire. The tool was to be manufactured in accordance with Military Standard MS25037-1A, dated September 25, 1963, Revision D.

Essentially, you object to the requirement in the solicitation for a "Revision D" model tool. You contend that the purchases should be made in accordance with the latest revision of the military standard involved which is Revision E, issued February 15, 1971.

GSA has advised that Revision E was first issued by the Naval Air Systems Command (NAVAIR). Revision E provides for two Military Standard tools (MS90413 and MS3316) covering ranges of 26 through 14 and 12 through 10 wire. Revision D, on the other hand, provides for a single tool covering the entire range of number 26 through number 10 wire.

[Protest Concerning Solicitation Requirements]

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GSA has taken the position that the Revision E tools could not be used in the instant solicitation since it determined that there is no difference in the performance capabilities of the Revision D and E tools and the cost of the two Revision E models is necessarily much more than the cost of the single Revision D model. It is also reported that the Revision D tool continues to be listed on the bimonthly "Integrated Managed Item Listing" as a "standard item." A "standard item" used in this particular context is defined by GSA's Standardization Division as an item which has been evaluated and has been deemed by collaborating users to be an item which should be used rather than an item which should not be used (which is classified as a nonstandard item). The listing also indicates that there are, at present, seven civilian, six Army, one Air Force, one Marine Corps, and six NATO activities which still need the Revision D version of the crimping tool. In addition, six other Naval activities are also listed as requiring the Revision D version rather than the Revision E version of the tool. GSA therefore concludes that Revision D is not outmoded and is in fact the current standard model which satisfies the Government's minimum needs.

We note that the Official Department of Defense Item Standardization Code denotes that an item is or is not authorized for procurement, and we have been advised by a representative of the responsible standardization authority (Natic Laboratories) that Revision D is classified as "authorized for procurement." See Chapter 7 of Defense Standardization Manual 4120.3-M. GSA has informally advised that until such time as the applicable standardization code is deleted or revised by DOD, it would not be authorized to act otherwise. It should also be noted that the responsible standardization authority has not seen fit to effect a change in the standardization code which currently authorizes procurement of the Revision D tool, even though it has been aware of the issuance of Revision E.

The determination of the Government's needs is primarily within the discretion of the agencies concerned. 38 Comp. Gen. 190 (1958) and 35 Comp. Gen. 174 (1955). On the basis of the present record we cannot conclude that there has been an improper exercise of administrative discretion by GSA, in deciding that the Revision D tool will best meet the Government's needs, or that this Office would be justified in objecting to GSA's procurement of the Revision D tool which would seem to satisfy the Government's minimum needs at the most economical price.

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Accordingly, your protest must be denied.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General  
of the United States