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**DECISION**



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

FILE: B-185914

DATE: October 21, 1976

MATTER OF: Alpha-Omega Services, Inc.

**DIGEST:**

Protest based on assertion that agency improperly rejected protester's proposal to furnish replacement source of cobalt 60 for use in medical center teletherapy unit must be denied where agency determines only one manufacturer's source will satisfy its needs and record does not establish that agency determination is unreasonable. However, it appears that competitive procurement of this item may be practicable in future.

Alpha-Omega Services, Incorporated (AOS) has protested the award of a contract to General Electric Company, Medical Systems Division (GE), for a cobalt 60 source to be installed in a teletherapy unit at the Keesler Air Force Base (AFB), Mississippi, Medical Center. AOS contends that its low offer to supply the item was improperly rejected.

The solicitation in question, request for proposals No. F22600760913, specified in the schedule that the item being procured was an "A.E.C.L. Cobalt 60 Source \* \* \* installed in Theratron 80 drive mechanism in accordance with specifications in Section F." Those specifications, entitled "Cobalt Source," referred to a "Two \* \* \* centimeters diameter with one \* \* \* centimeter thickness of active material cobalt 60 source fully compatible with this A.E.C.L. Theratron 80." The Air Force reports that this procurement was initiated as a sole source because GE is the only distributor in the country of the A.E.C.L. (Atomic Energy of Canada, Ltd.) product.

After the procurement was synopsisized in the Commerce Business Daily, AOS and another firm requested a copy of the solicitation and, along with GE, submitted offers. Thereafter, the Keesler procurement office queried AOS, the low offeror, as to whether that firm had quoted on an A.E.C.L. source. AOS replied that the source it would supply would be produced at the "General Electric Company, Vallecitos Nuclear Center," and

B-185914

that it would be "completely compatible with the AECL-Theratron teletherapy machine in use at your site." Subsequently, it was determined by Keesler medical and procurement personnel that only GE had quoted on and would furnish the specified A.E.C.L. source. Award was made to GE in the amount of \$20,999.20, some \$2,324 above the AOS price.

AOS contends that its low proposal should have been accepted because it offered a product that was "equivalent"/"identical" to the A.E.C.L. product and "compatible" with the equipment with which it would be used. The Air Force, on the other hand, states that it specified and could accept only the sole source product because installation of another company's cobalt 60 source would have required amendment of Keesler's license (issued by the Nuclear Regulatory Commission), a process which would take 4 to 6 weeks, and "would have invalidated the isodose charts now used for cobalt therapy patient treatment planning, which, in turn, could cause the loss of Keesler's computer-link treatment planning support by the M.D. Anderson Hospital in Houston, Texas. Reestablishment of the computer-link, and the production of new isodose charts would have been very costly in terms of manhours, equipment, and time." In addition, the Air Force states that the material being offered by AOS "does not conform to the specifications of the RFP" because that firm's descriptive literature shows the thickness of the source material as 3.67 centimeters while the specifications require a thickness of 1 centimeter.

AOS does not dispute that Keesler's license would have to be amended if the Air Force installed the AOS source. It asserts, however, that the Air Force could easily have done so within the stated 4 to 6 week period without adversely affecting the procurement. AOS also states that installation of "even an exact replacement of the original" source will require complete recalibration of the teletherapy unit and "the entry of new data into a computerized treatment planning system." AOS also maintains that its material does meet the thickness requirement of the specifications.

This Office has consistently recognized the propriety of sole source awards where the item or service required is unique, where only one firm can meet the Government's needs within the required timeframe, or where it is necessary that the desired item manufactured by one source be compatible and interchangeable with existing equipment. Environmental Protection Agency sole-source procurements, 54 Comp. Gen. 58 (1974), 74-2 CPD 59; Precision Dynamics Corporation, 54 Comp. Gen. 1114 (1975), 75-1 CPD 402. At the same time, we have also held that the issuance

B-185914

of a solicitation specifying only a particular brand name item does not preclude award to a company offering an equivalent product, provided that the brand name offeror is placed on notice that the procurement will be a competitive one. Hoffman Electronics Corporation, 54 Comp. Gen. 1107 (1975), 75-1 CPD 395; B-176861, January 24, 1973; 52 Comp. Gen. 546 (1973); 48 id. 605 (1969); 47 id. 778 (1958). However, the determination of what will satisfy the Government's needs, particularly when services or equipment of a highly technical nature are being procured, is primarily within the discretion of procuring agency officials and will not be questioned in the absence of a clear showing that the determination is unreasonable. National Stenomask Verbatim Reporters Association, B-183837, August 5, 1975, 75-2 CPD 84; Digital Equipment Corporation, B-181336, September 13, 1974, 74-2 CPD 167. The fact that there may be differences of opinion as to whether a particular product or technical approach will satisfy the agency's needs does not establish the unreasonableness of the agency's position. Struthers Electronics Corporation, B-186002, September 10, 1976, 76-2 CPD \_\_\_; Honeywell, Inc., B-181170, August 8, 1974, 74-2 CPD 87.

In this case the record establishes only that there is significant disagreement between the Air Force medical physicist/radiation protection officer and the protester. The former believes that use of a cobalt source other than the specified A.E.C.L. source would require complete teletherapy unit recalibration because it would invalidate the currently utilized isodose charts. On the other hand, the protester's consulting radiological physicist states that recalibration must be performed after any source change and that invalidation of the isodose charts will not necessarily result from a source change regardless of which firm supplies the replacement source. We see no reason to question the contracting officer's judgment on the facts before him. Accordingly, we cannot conclude that the Air Force rejection of the protester's proposal was unreasonable, and the protest is therefore denied.

However, we are not convinced that it will be impracticable for the Air Force to competitively procure cobalt 60 sources in the future. In this connection, we have been informally advised by a consultant to the Nuclear Regulatory Commission that calibration is widely regarded as appropriate whenever a replacement source of cobalt 60 is installed, that this will be a Commission requirement in the future, and that it is not unusual for teletherapy units to use different cobalt 60 sources interchangeably. Also, the fact that a license amendment may be required for a

B-185914

particular installation to utilize another firm's cobalt 60 source would not alone appear to warrant a noncompetitive procurement, particularly if there is sufficient advanced planning (in this regard, the protester has referred to a procurement at another Air Force installation--Travis Air Force Base--in connection with which that installation's license was amended to include the names of three suppliers). We are therefore suggesting to the Secretary of the Air Force that he have all appropriate Air Force facilities advised of this situation with a view toward competitive procurements of cobalt 60 replacement sources in the future.

*R. F. K. 11/12*  
Deputy Comptroller General  
of the United States