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**DECISION**



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

**FILE:** B-207722.2

**DATE:** April 5, 1983

**MATTER OF:** S.A.F.E. Export Corporation

**DIGEST:**

The issuance of a purchase order on a sole-source basis to obtain electronic surveillance equipment is not objectionable where the contracting officer was informed of the threat of an imminent terrorist attack and that only one firm could provide 24-hour service and a system connected to a centrally-monitored police system.

S.A.F.E. Export Corporation protests the issuance on a sole-source basis of purchase order No. DAJA76-82-M-1663 by the U.S. Army Contracting Agency, Europe, to Telefon & Normalzeit (T&N). The purchase order, issued using small purchase procedures, was for the rental, installation and maintenance of electronic surveillance equipment in a building in a U. S. Army Military Housing Area in Weisbaden, West Germany. We deny the protest.

The award was made pursuant to the requiring activity's request setting forth the following reasons why the need should be satisfied promptly and on a sole-source basis:

"Recent classified high level intelligence estimates and other local German and American intelligence sources have indicated that the community commander has been targeted for an imminent terrorist attack. Actions have been taken to insure his protection while travelling, however, evidence exists which indicates that efforts have been made to probe areas in security of his place of residence and work. Immediate action must be taken to counter this threat. A sole-source bid is requested to insure an

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B-207722.2

absolute minimum number of individuals are allowed to scrutinize the potentially weak areas in his security net. The contractor will be made aware of the exact locations of the devices upon award."

The contracting officer was advised that T&N had the only alarm system connected to the German security police's centrally-monitored system. In addition, the contracting officer found that T&N could provide 24-hour service. Consequently, the purchase order was issued to T&N within 1 week of receipt of the purchase request.

The protester questions the Army's justification of the sole-source procurement and says that the surveillance equipment should have been incorporated into a prior solicitation covering certain other security improvements. S.A.F.E. challenges the assertion that security requirements mandated the use of a sole-source procurement since such a restriction on competition had not been considered necessary in the prior procurement. The protester also refers to a similar Army solicitation under which an alarm system had been competitively procured. Finally, the protester contends that there was no basis for the selection of T&N to provide the surveillance equipment over other German and American firms that were equally trustworthy.

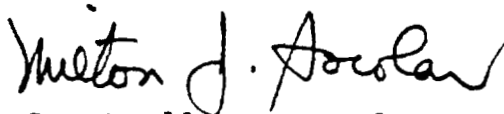
In procurements using the small purchase procedures of Defense Acquisition Regulation (DAR) § 3-600 et seq. (1976 ed.), our Office has recognized that although reasonable competition must be obtained, DAR § 3-604, there may be circumstances when sole-source purchases may be appropriate. Security Assistance Forces & Equipment OHG, B-200350, March 18, 1981, 81-1 CPD 212. In determining the propriety of a sole-source small purchase, we employ the same standard as in non-small purchase procurements. Id. Thus, although sole-source procurements are subject to close scrutiny, Frequency Electronics, Inc., B-204483, April 5, 1982, 82-1 CPD 303, we will not object to a sole-source award unless it is shown that the contracting officer acted without a reasonable basis. Bird Electronics Corporation, B-205155, June 2, 1982, 82-1 CPD 519. A sole-source award is justified where time is of the essence and only one known source can meet the Government's needs within the required time. H. Koch & Sons, B-202875, December 14, 1981, 81-2 CPD 463.

B-207722.2

We believe that the contracting officer reasonably determined that a sole-source award to T&N was justified. The contracting officer had been informed that the community commander had been targeted for an imminent terrorist attack, and there was evidence that existing security measures might be vulnerable. The contracting officer had been advised that only T&N could provide 24-hour service and could install a system that was connected to the centrally-monitored system of the German security police. S.A.F.E. does not argue that this advice was in error. Therefore, the contracting officer acted reasonably in issuing the purchase order to T&N, the only firm that could meet the agency's urgent need, on a sole-source basis.

The protester argues that the requirement for the surveillance equipment should have been incorporated into a prior solicitation covering other security improvements. The protester also questions the Army's asserted need to keep to a minimum the number of persons allowed to scrutinize the security system, arguing that such a restriction was not considered necessary in the prior procurement. We are not persuaded by these arguments since both the need for the electronic surveillance equipment and the need to limit scrutiny of the existing security system became apparent only after the first procurement, when the new information regarding the threat of a terrorist attack came to light. Equally unpersuasive is the argument that a similar Army solicitation had been issued on a competitive basis. We regard the agency's choice of procurement method in an unrelated procurement as irrelevant to the choice of method here.

The protest is denied.

for   
Comptroller General  
of the United States