

# DECISION



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

FILE: B-183298

DATE: October 9, 1975

MATTER OF: Omnus Computer Corporation

## DIGEST:

1. Procuring activity's determination that low offeror made adequate showing that it had ability to fulfill maintenance requirements stipulated in solicitation was proper where proposal provided explanation of offeror's plan for satisfying the maintenance requirements and offeror provided evidence of its subcontracting arrangements.
2. Protest that competitor's technical proposal for communications processor was unacceptable is denied where record shows that agency's determination of acceptability represented judgment of its technical experts and GAO computer specialists verify that agency's determination was reasonable.
3. Solicitation requirement that offeror list installations where proposed equipment was currently installed was for purpose of determining offeror's capability to satisfy Government's requirements rather than for purpose of establishing that previously installed equipment actually performed in manner identical to that anticipated in Government's ultimate use of equipment.

Request for proposals (RFP) No. 75-R-507 was issued by the Department of Agriculture (Agriculture) for the rental and maintenance of a communications processor to be installed at its computer center located at Fort Collins, Colorado. Three proposals were received by the closing date. All were evaluated by the Agriculture technical evaluation committee against the performance specifications set forth in section F of the solicitation.

After the initial evaluation, oral and written discussions were held with the three offerors. Each firm was advised of the areas in its proposal which required additional information and clarification and each was given an opportunity to correct or resolve any deficiencies, as well as to revise the proposed pricing.

Based upon the verbal responses and written submissions resulting from the ensuing discussions, the contracting officer determined that all three proposals were technically acceptable and that Chi Corporation (Chi), which proposed the lowest price would be selected for award at the final negotiated price of \$86,423. Accordingly, award was made to Chi.

Subsequently, Omnus Computer Corporation (Omnus) protested to this Office the award of the contract to Chi. Omnus has based its protest on several grounds, each of which will be discussed below.

Omnus contends that Chi has not demonstrated, as required by the solicitation's evaluation criteria, that it has the ability to fulfill the maintenance requirements stipulated in the solicitation. The evaluation criteria requires that an offeror describe how it intends to fulfill its maintenance obligations under any resultant contract and satisfy the agency, prior to award, that the offeror has the necessary maintenance resources or the ability to obtain them during the performance of the contract. Furthermore, paragraph 9 of Section F (Description/Specifications) requires the following:

"The vendor must guarantee a two-hour response time for maintenance:

"--Under normal maintenance during the hours of 0800 through 1630 Monday through Friday and

"--Under directly chargeable time during all other times."

Chi indicated in its proposal that maintenance of the proposed processor would be undertaken by Chi and Interdata Corporation. In particular, the Interdata office in Denver (less than an hour from Fort Collins) would be on-call for all Interdata manufactured parts of the system, specifically the Model 80 processor and the memory. In this regard, the contracting officer was provided with an executed copy of a contract for maintenance services with Interdata. Chi would be responsible for all remaining parts of the system and for the overall system. In addition, Chi would provide a complement of spare circuit boards on site at Fort Collins for all Chi manufactured parts and would train Fort Collins' personnel to insure prompt analysis of performance problems. In response to paragraph 9, Chi guaranteed "GSA response times" for maintenance of its system.

The record indicates that two local customers of Interdata were contacted and both reported their maintenance experience with the firm was good and that Interdata's preventive and trouble-call

maintenance was adequate. Furthermore, two other installations expressed satisfaction with their maintenance arrangement with both Interdata and Chi support personnel. On the basis of this information, the evaluation committee concluded that Chi had the ability to fulfill the maintenance requirements stipulated in the solicitation.

Regarding Chi's initial failure to guarantee the required response time for maintenance, we have been informed by Agriculture that during the course of negotiations, Chi in fact orally guaranteed a two-hour response time. While this verbal agreement was not reduced to writing at the time of contract award, Agriculture informs our Office that Chi's contract has been modified, at no increase in cost, to reflect the parties' understanding regarding the 2 hour response time. Accordingly, we believe that there was a reasonable basis upon which the agency concluded, prior to award, that Chi had the ability to fulfill the solicitation's maintenance requirements.

Omnus also raises several questions regarding the technical acceptability of the processor proposed by Chi. Specifically, Omnus contends that the Chi system cannot meet the solicitation's minimum total line termination (or "ports") requirement of Section F, paragraph 4 of the RFP. Paragraph 4 refers to Attachment 2, which as revised, requires that the processor support an initial required load of 80 lines, with the potential to handle an expanded load of 96 lines. The protester argues that its position is buttressed by the fact that the Chi system employs a "fixed input buffer". Omnus contends that the proposed Chi system does not "reduce the HOST processor overhead for handling the configured communication lines in the area of main memory space and CPU time" as required by paragraph 19 of the solicitation's performance specifications. Furthermore, Omnus states that Chi's description of its standard processor system presented at a National Conference of 1100 Systems Users, indicated additional areas in which the equipment did not comply with the requirements of the RFP. In particular, the protester alleges that the processor as described by Chi, does not provide a holder to support UNISCOPE-100 terminals or UNISCOPE-100 terminals with cassettes (as required by section F, paragraphs 2D and E) but passes the data to the HOST which uses the HOST handler for processing of the U-100 data and this is not capable of error detection and retransmission of the U-100 data (See section F, paragraph 15).

Agriculture has furnished our Office the evaluation committee's detailed response to the above allegations, a copy of which has been furnished to the protester. Omnus has rebutted the agency's position in each of the areas under consideration. Although we have examined the submissions of both Agriculture and Omnus, for the reasons stated below we believe it would serve no useful purpose to restate these essentially technical arguments.

In view of the highly technical nature of the allegations raised by Omnus, we had the matter considered by computer specialists in our Office. After reviewing the record of this procurement and protest, they concluded that Omnus did not present sufficient evidence upon which to question the reasonableness of the evaluation committee's determination that Chi's technical proposal was acceptable. On the basis of an evaluation of the information of record, our specialists find that Agriculture's evaluation of Chi's proposal and the determination that the proposed equipment satisfies the stated requirements of the solicitation were reasonable. Although Omnus disagrees with Agriculture's evaluation of the Chi proposal, the record does not support the conclusion that the agency's selection was the result of anything other than the reasonable judgment of its technical experts. We do not believe it is appropriate for this Office to question Agriculture's technical judgment when the judgment has a reasonable basis merely because there may be divergent technical opinions as to the acceptability of a proposal. Thus, we are unable to agree that Chi's proposal should have been regarded as unacceptable. See Honeywell, Inc., B-181170, August 8, 1974, 74-2 CPD 87.

Omnus next contends that the processor proposed by Chi was not currently installed or operating in the field as required by the solicitation's evaluation criteria (section D). The solicitation provides in pertinent part:

"The vendor shall submit with his proposal a listing of installations where the proposed equipment is currently installed and operating. \* \* \* No more than two (2) installations need be listed for each separate item proposed."

In response to the above, Chi listed Transport Data Communications and the J. Preston Lewis Regional Computer Center (Lewis Center). The record indicates that during the course of its evaluation of the Chi proposal, the evaluation committee obtained sufficient information from the Lewis Center's staff to determine that the proposed processor was capable of performing in a operational environment, all the functions that would be required of a similar system at the Fort Collins Computer Center. However, Omnus argues that the system installed at the Lewis Center is "interfaced with only 14 terminals rather than the 80 required by the RFP and uses a 'fixed input buffer' method which probably precludes operation with 80 or 96 terminals as required by the RFP." In addition, the protester states that the processor does not provide a handler for U-100 terminals. While Agriculture does not take issue with Omnus' allegation regarding the number of lines terminated at the system, it states that the evaluation committee obtained sufficient technical information to conclude that the proposed Chi system is capable of handling the required number of lines and that the system is currently servicing U-100 terminals in an operational environment.

It appears to us that Agriculture's purpose in requiring that offerors furnish the evaluation information requested was to assure itself, prior to award, that the processor proposed to be furnished by the successful offeror would be capable of performing at the level represented in its technical proposal. The purpose for this requirement was not to establish that previously installed equipment actually performed in a manner identical to that anticipated in the Government's ultimate use of equipment. On the basis of the technical information furnished by the Lewis Center's staff, Agriculture was assured that Chi's system could perform in accordance with the solicitation's requirements. Furthermore, computer specialists in this Office are satisfied that Chi has delivered and installed communication processors which can perform the required services, including the system at the Lewis Center. Omnus' arguments relating to the system installed at Transport Data Communications will not be considered since the listing of only one installation was necessary.

For the foregoing reasons, Omnus' protest is denied.

  
Acting Comptroller General  
of the United States