

DECISION



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

Mr. Neenan
PL 2
4388

FILE: B-198233

DATE: July 1, 1980

MATTER OF: California Computer Products, Inc.

DIGEST:

1. Word "mandatory" is not essential for offeror's understanding that "required" item be furnished.
2. Where specifications require light pen and that input/edit function be performed directly on cathode ray tube screen, contracting officer's determination that offer of input/edit function performed on graphics tablet is unacceptable is reasonable.

California Computer Products, Inc. (CalComp), protests that the contracting officer's letter of March 13, 1980, requesting a best and final offer on an interactive graphics system (IGS) under Defense Logistics Agency (DLA) request for proposal (RFP) DLA900-79-R-3368, changed the requirements of the RFP. We understand that best and final offers were submitted, but that CalComp chose not to submit its best and final offer. However, no award has been made.

We do not consider the protest to have merit.

Due to increased workload in designing, drafting and modifying drawings for electronic components used by the military, DLA decided to purchase a computer-aided drafting system to enable draftspersons to electronically design, correct and modify engineering drawings that are visually displayed on a cathode ray tube (CRT) screen. After a 3-year study of various computer graphics technologies, DLA determined it required an IGS using vector refresh technology. This technology, as opposed to the raster scan and storage tube technologies, permits the input and editing of data directly

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[Protest CONCERNING SOLICITATION REQUIREMENTS]

on the face of a CRT by using a light pen. Other technologies require the use of a digitizer or a graphics tablet, an electronic device similar to a drafting board on which a hard copy of a drawing is placed. The position coordinates of a puck or a stylus moved over the drawing surface are fed into the system and appear as an image on the CRT. DLA determined that vector refresh technology was required because it permitted constantly visible manipulation of the graphic data, performed the graphics display functions faster, and required less computer memory than systems using other technologies.

RFP section "F," entitled "Equipment Specification," stated in part:

"III. EQUIPMENT LIST: The following itemized components are required:

a. Front end computer.

* * * * *

b. Graphic Systems, Vector Refresh Display Workstation.

(1) Free standing CRT with light pin[sic] and keyboard.

* * * * *

c. Software: Equipment related software.

"IV. MANDATORY REQUIREMENTS: The following prescribes the specific requirements which must be satisfied for this equipment to be considered acceptable. The equipment must have:

a. Input/Edit capability which can be performed directly on the CRT screen."
(Emphasis added.)

CalComp's offer proposed an IGS using raster technology and a graphics tablet instead of the vector refresh to the section "F" VII performance and acceptance test standards.

The contracting officer's March 13, 1980, letter requesting a best and final offer informed CalComp that its proposal as submitted was unacceptable because it failed to meet the mandatory requirements for vector refresh technology and input/edit capability which can be performed on the screen. Additionally, the letter notified CalComp that it must include the section "F" VII performance and acceptance test standards.

CalComp claims that the contracting officer's letter is not consistent with the RFP because the letter makes the vector refresh technology requirement mandatory even though it is not listed in the "F" IV "Mandatory Requirements" section. CalComp claims the contracting officer's interpretation changed the RFP requirements.

DLA argues that the contracting officer's letter did not change the RFP specification requirements. DLA states that section "F" IV contained only the mandatory performance requirements of the equipment required to be provided under section "F" III, which included a workstation using vector refresh technology. The introductory sentence of section "F" IV prescribes the requirement for "this equipment," which DLA reads as referring to the equipment required to be provided in the immediately preceding section.

We find unreasonable CalComp's interpretation that vector refresh technology is not required in the RFP. Section "F" III states that the technology is "required" and the word "mandatory" is not essential for an offeror's understanding that a "required" item must be furnished. See Telefile Computer Products, Inc., B-186983, October 28, 1977, 77-2 CPD 328. CalComp's argument, carried to its logical end, results in the untenable conclusion that its proposal would not be deficient even if it did not offer a front-end processor, a display workstation or the necessary operating software simply because these items were not prefaced with the word "mandatory."

CalComp also maintains that DLA's basis for selecting vector refresh technology was erroneous because CalComp's newer and allegedly more favorable raster refresh technology, as opposed to raster scan, is now the state-of-the-art. However, we agree with

DLA that the time for protesting the vector refresh technology was prior to the closing date for receipt of initial proposals. As DLA points out, section 20.2(b)(1) of the Bid Protest Procedures, 4 C.F.R. part 20 (1980), indicates that improprieties apparent in an RFP are required to be filed prior to the closing date for receipt of initial proposals. Although CalComp contends that it was not aware that the vector refresh technology was mandatory when the solicitation was issued, we find no ambiguities in the RFP as to the requirement. Therefore, we consider the protest as to the propriety of the technology requirement to be untimely and it will not be considered.

Additionally, CalComp maintains that it met the mandatory requirement to provide input/edit capabilities which can be performed directly on the CRT screen. DLA's basis for this requirement was to eliminate the need for an input medium such as a digitizer or a graphics tablet. CalComp, in essence, contends that, since a light pen is also a medium device, any medium device should be acceptable. We disagree.

The equipment list of the specifications clearly "required" a light pen and the "mandatory requirements" of the specifications stated that the input/edit function be performed directly on the CRT screen. Under CalComp's raster-based proposal, the input/edit function is performed on the surface of the graphics tablet and the results appear on the CRT screen. This does not conform to the specifications. Thus, the determination of unacceptability is reasonable.

Based on what we conclude to be the only reasonable interpretation of the RFP specifications, the contracting officer determined that CalComp's proposal was technically deficient, but capable of being cured through an additional submission by way of a best and final offer. Additionally, DLA sought CalComp's compliance with the section "F" VII performance and acceptance test standards. The letter requesting a best and final offer and notifying CalComp of its proposal deficiencies did not add or change any of the requirements in the RFP.

Accordingly, the protest is denied.

A handwritten signature in dark ink, appearing to read "Milton J. Forolan". The signature is written in a cursive style with a large, stylized "M" and "F".

Acting Comptroller General
of the United States