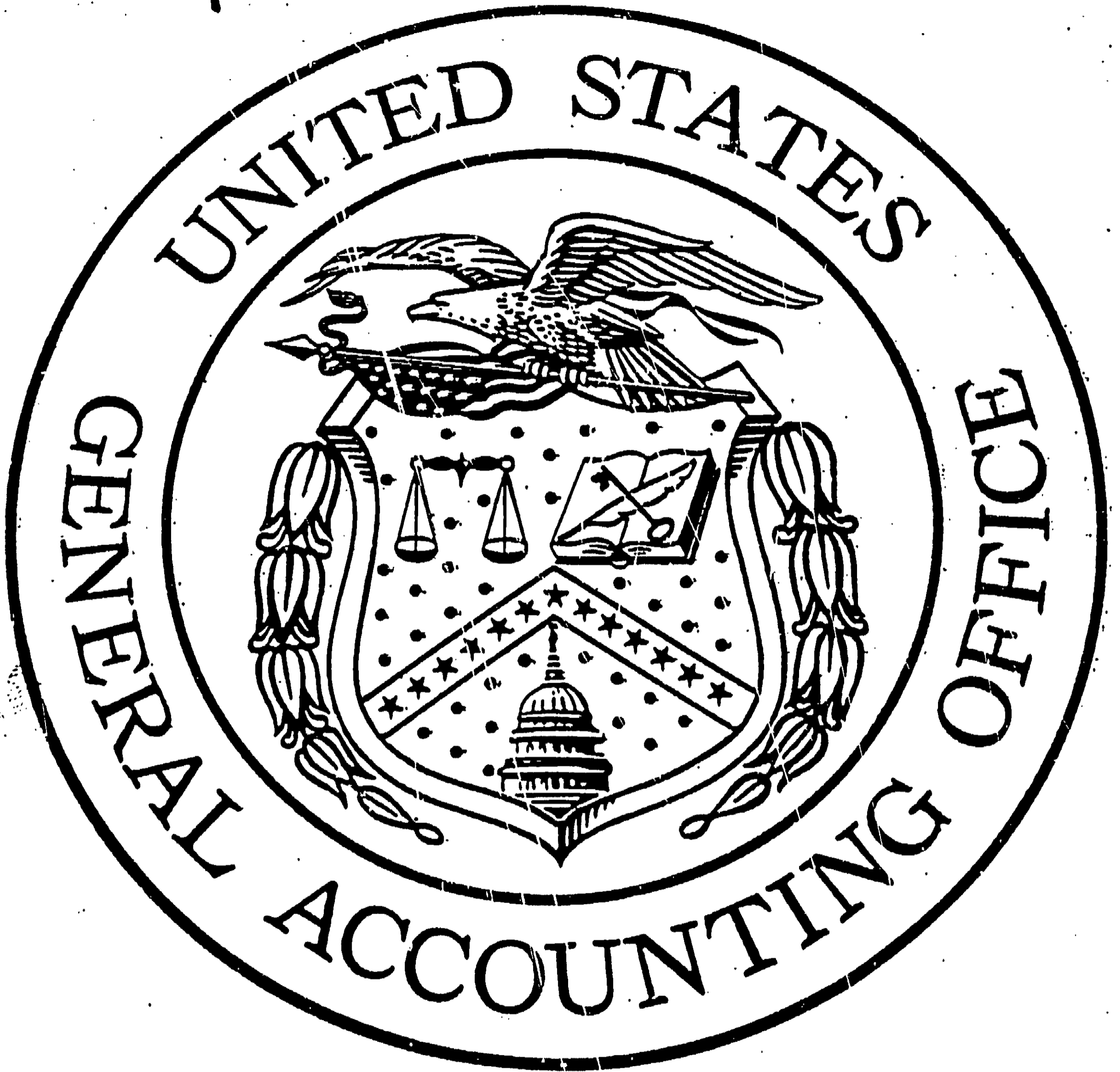


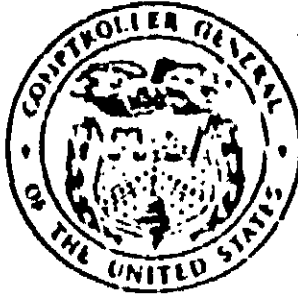
1 OF 1



117405

20685 Japiske

DECISION



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

FILE: B-205082

DATE: January 29, 1982

MATTER OF: Sutron Corporation

DIGEST:

Rejection of bid in response to brand name or equal solicitation for direct readout ground station was proper. Bid offering equal system was nonresponsive absent supporting technical data showing that all salient characteristics were met.

Sutron Corporation protests the rejection of its low bid in response to Invitation for Bids (IFB) 1056W issued by the United States Geological Survey (USGS) for a Synergetics International Model 10, Direct Readout Ground Station, or equal system. The protester offered its Model 8000 Geostationary Operational Environmental Satellite Data Collection System, which like the brand name system is an automatic earth satellite ground receiving station. The protester's bid was rejected after USGS determined that the descriptive data submitted with its bid did not show that all of the salient characteristics of the Synergetic system identified in the IFB would be met. As explained below, we deny the protest.

USGS rejected Sutron's bid because, having examined the materials submitted with it, USGS was unable to determine whether the system which Sutron would furnish would be equipped to:

1. Monitor at least three communications channels simultaneously;
2. Permit a user to command it to retransmit a message by identifying the date and time it was received;
3. Provide communications in an asynchronous mode.

Regarding the first of these alleged deficiencies, Sutron contends that by offering a system configuration including multiple demodulators its bid could only be construed as an offer to provide multiple channel simultaneous communications.

Further, Sutron maintains that the software offered does meet the message recall requirement listed as the second deficiency. Sutron says that any doubt regarding its capability in this regard could have been readily resolved had USGS checked with any agency currently using a Sutron ground facility.

Regarding the third point, use of asynchronous communications, Sutron contends that it was bound to furnish asynchronous communications because it took no exception to the IFB requirements. Sutron says that the choice of synchronous or asynchronous communications is merely a choice between commonly available, well defined commercial packages and insists that to reject it for an informational deficiency on this issue is specious.

Finally, Sutron complains that USGS misled it into believing that its bid was being favorably considered, thereby denying it a preaward opportunity to file this protest.

We need not discuss each of Sutron's complaints in detail since the protest must be denied if USGS acted properly in rejecting its bid for any one of the deficiencies it identified. This is because a bid, to be found responsive, must be responsive to every one of the Government's material requirements, and because Sutron's last mentioned complaint, that it was misled into delaying its protest, does not go to the merits of USGS's evaluation.

The IFB specifically cautioned offerors that it was each bidder's responsibility to assure that sufficient information would be available to permit an evaluation of the characteristics of an equivalent product, where a product other than the brand name system was offered. In this connection, the IFB warned each bidder to:

"furnish as a part of his bid all descriptive material (such as * * * illustrations, drawings, or other information) necessary for [USGS] to (i) determine whether the product offered meets the salient characteristics requirement of the Invitation for Bids, and (ii) establish exactly what the Government would be binding itself to purchase by making an award."

With respect to the second of the three deficiencies USGS found, that it was unable to determine whether the recall capability of the Sutron Model 8000 was equal to that provided in the brand name product, Sutron stated in its bid that:

"The receive site computer system data storage and retrieval software will transfer data by DCP [data collection platform] identification codes and date/time stamps."

Where, as here, the procuring activity in a brand name or equal IFB identifies specific salient characteristics of the brand name product which are to be provided, and requires descriptive data to establish that they are provided, the responsiveness of an "equal" bid depends upon the completeness of the information submitted or reasonably available. It is not enough that the bidder believes his product is equal, or makes a blanket statement that all salient characteristics are met. The data furnished must permit the Government to establish that each of the specified salient characteristics of the brand name product is available equally in the product bid. Cummins-Wagner Co., Inc., Joy Manufacturing Co., B-188486, June 29, 1977, 77-1 CPD 462; Ocean Applied Research Corporation, B-186476, November 9, 1976, 76-2 CPD 293.

Sutron's bid falls short of establishing the equality of its product with the ability of the brand name product to provide any user with the capability, in the words of the IFB:

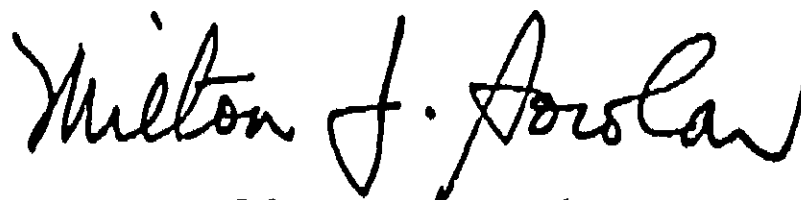
"to command, via the asynchronous port, the receiver station to retransfer parts of the DCP data file, based on the date time stamp."

The thrust of USGS's requirement indicates its concern that the equipment obtained have the capability to permit a remote user to order the system to retransfer portions of the data should that be necessary. Sutron's statement in its bid that its equipment would transfer data is silent regarding its capacity to retain and retransfer it on command.

Sutron may be able to furnish this capability with the Sutron RSX11M operating system which it offered. Sutron's descriptive literature indicates, however, that the RSX11M software is normally offered as an optional package which includes 256K bytes of core memory supplemented by 10M bytes of memory in dual disk packs. In its bid, Sutron downgraded the option package memory by offering only 64K bytes of core, and left unclear how much disk capacity would be furnished.

The ability of the system to retain and retransfer old data depends upon the availability of memory to store it and upon whether the operating system as designed is able to use existing memory for this purpose. We believe that by downgrading memory, Sutron introduced uncertainty as to its intentions and that without additional information it would have been impossible for USGS to have determined what if any retransfer capability Sutron would furnish. Nor could USGS have made up the informational deficiency, as Sutron suggests, by examining other installations, since the deficiency goes ultimately to what Sutron intended to furnish rather than what it might have been able to furnish. Compare Futura Company, B-193704, September 27, 1979, 79-2 CPD 227.

The protest is denied.



Acting Comptroller General
of the United States



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

B-205082

January 29, 1982

The Honorable Frank R. Wolf
Member, U.S. House of Representatives
19 E. Market Street
Room 4B
Leesburg, Virginia 22075

Dear Mr. Wolf:

We refer to your letter dated December 24, 1981, expressing interest in the protest filed by Sutron Corporation, B-205082. Enclosed is a copy of our decision denying that protest.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Auerbach".

Acting Comptroller General
of the United States

Enclosure