

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

26512

FILE: B-212019**DATE:** October 17, 1983**MATTER OF:** Caterpillar Tractor Company**DIGEST:**

1. Where model number offered is identified in bid as required by IFB, and bid does not qualify offeror's obligation to furnish item meeting the specified requirements, the bid is responsive.
2. Protest against second low bid is academic where the agency properly has found the low bid responsive and the bidder responsible, and therefore intends to award the contract to that firm.

Caterpillar Tractor Company protests any award to Champion Road Machinery International Corporation or Deere & Company under invitation for bids (IFB) DLA700-83-B-0647 issued by the Defense Construction Supply Center, Defense Logistics Agency (DLA). The solicitation sought bids to furnish type II, size 5 motor graders as described by Federal Specification 00-G-630E and to facilitate procurement of technical manuals, asked bidders to identify in their bids the model numbers of the equipment offered. Caterpillar contends that Champion and Deere, which bid lower prices than Caterpillar, offered equipment that does not meet the Federal Specification requirements, and that their bids should be rejected as nonresponsive. We deny the protest concerning the responsiveness of Champion's bid, and we dismiss the protest against Deere's bid.

The record shows that Champion submitted the lowest bid. According to Caterpillar, however, the Model 710A that Champion bid does not meet the blade pull criterion set out in the Federal Specification. Caterpillar has introduced an engineering study which it says supports its position.

026922

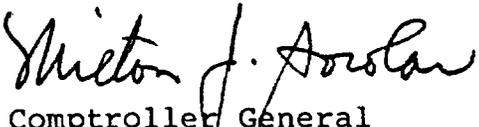
B-212019

DLA, on the other hand, argues that Champion's bid is responsive, and characterizes Caterpillar's complaint as really alleging that Champion either is not capable of furnishing an acceptable grader or will not do so. DLA says that the protest therefore should be dismissed as a matter involving an affirmative determination of responsibility or as a matter of contract administration.

We deny the protest against acceptance of Champion's bid because we believe DLA correctly has determined that the bid is responsive. To be responsive, a bid as submitted must represent an unequivocal offer to perform the exact thing called for in the IFB. Edw. Kocharian & Company, Inc., 58 Comp. Gen. 214, 217 (1979), 79-1 CPD 20. While an agency should reject as nonresponsive a bid which includes a model number that the agency knows describes a nonconforming product, Twehous Excavating Company, Inc., B-208189, January 17, 1983, 83-1 CPD 42, there is nothing in the record indicating that the solicited model number "710A" specifically denotes a nonconforming product. Champion points out that the Model 710A refers to a class of graders which vary in their characteristics.

Since DLA intends to make award to Champion, we dismiss as academic the protest concerning the responsiveness of Deere's bid.

The protest is denied in part and dismissed in part.


Acting Comptroller General
of the United States