

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

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**FILE:** B-213078**DATE:** February 22, 1984**MATTER OF:** Fil-Coil Company, Inc.**DIGEST:**

1. Protester has not shown that agency determination to reject its proposal as technically unacceptable is unreasonable where protester only shows that it disagrees with some of the agency's reasons for rejecting the proposal and that its proposal in fact did not indicate that its equipment would meet two specification requirements.
2. Protester's lower cost is not basis to consider its technically unacceptable proposal since once proposal is properly rejected as technically unacceptable, it is irrelevant whether it might provide lower cost.

Fil-Coil Company, Inc. protests the Department of State's sole-source award of a contract for eight isolator filters to be used with data processing equipment to All-Tronics, Inc. under request for proposals (RFP) No. 1026-370182. Fil-Coil contends that the agency improperly rejected its lower priced proposal. For the reasons set forth below, we deny the protest.

On June 14, 1983, State published a notice in the Commerce Business Daily of its intent to enter into sole-source negotiations with All-Tronics for the equipment, which is to be installed in data processing equipment in order to prevent electronic espionage. The protester requested a copy of the solicitation and submitted an offer. After requesting additional information from Fil-Coil, State evaluated that firm's offer and concluded that it was technically unacceptable. State then awarded the contract to All-Tronics.

Fil-Coil contends that its proposal was improperly rejected and that it should have received the award as the low offeror. In support of this position, Fil-Coil has

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submitted a copy of a letter it received from State which sets forth the agency's eight reasons for rejecting the protester's proposal. The copy is annotated with what the protester characterizes as "explanations" of the agency's basis for rejecting the proposal. For example, in response to the agency's reason No. 2 ("No terminal blocks provided in the non-RF compartment for primary and secondary transformer connections"), Fil-Coil's annotation states "is provided."

State responds that it properly rejected Fil-Coil's proposal as technically unacceptable and points out that the protester's own annotations on State's letter indicate that its offer did not show that it would provide filter discharge resistors as required by section E.l.c. of the solicitation or the type of isolation transformer required by section E.l.a.

The procurement agency is responsible for evaluating an offeror's proposal and ascertaining whether the equipment proposed meets its requirements. See Fil-Coil Company, Inc., B-198055, June 11, 1980, 80-1 CPD 409. We will not disturb this technical determination by the agency unless it is shown to be unreasonable. The fact that the protester does not agree with the agency's technical evaluation does not in itself render that evaluation unreasonable. Panasonic Industrial Company, B-207852.2, April 12, 1983, 83-1 CPD 379.

Fil-Coil has not provided us with a basis to question State's determination. Its response to the agency's eight reasons for rejecting the protester's proposal consists of rather cryptic remarks, some of which amount to a disagreement with certain of the agency's reasons and others which, as State points out, indicate that the required characteristic was not included in the proposal. This clearly is not sufficient to show that State's evaluation of Fil-Coil's proposal was unreasonable. Since the agency determined that Fil-Coil's proposal was technically unacceptable, the fact that Fil-Coil may have offered a lower price is irrelevant as the proposal could not be considered for award. Logicon, Inc., B-196105, March 25, 1980, 80-1 CPD 218.

Finally, Fil-Coil complains that the agency has improperly characterized its offer as an unsolicited proposal. Regardless of the agency's description of the protester's proposal, the record indicates that State evaluated the proposal. Whether or not the agency properly

B-213078

categorized the protester's proposal, it was not obligated to do more.

The protest is denied.

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

Acting Comptroller General  
of the United States