

DECISION

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

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FILE: B-210476**DATE:** March 6, 1984**MATTER OF:** Automated Production Equipment Corporation**DIGEST:**

GAO has no basis to disturb agency's determination that protester has not supplied sufficient information from which the agency could evaluate the functional equivalence of the protester's equipment with the equipment solicited, where agency requested specific information on equipment protester offered in response to sole-source solicitation and protester failed to supply all the requested data and where the data actually submitted did not clearly show interchangeability.

Automated Production Equipment Corporation (APE) protests the sole-source award of a contract to Pace Incorporated to provide 17 Pace PRC-350C Spike-Free Bench-Top Repair Centers (used to repair printed circuit boards) under request for proposals (RFP) No. DAAG38-82-R-0040, issued by the Tobyhanna Army Depot. APE contends that the solicitation was improperly restricted to Pace and that the Army incorrectly evaluated and rejected the equipment APE proposed. We deny the protest.

Although the solicitation was issued on a sole-source basis to Pace, APE requested and was furnished a copy of the solicitation. The Army states that when it provided APE the solicitation, it explained that the Pace equipment solicited was to be used in the Army's AN/MSM-105 Systems--each system consisting of two trailer trucks used as mobile testing and repair facilities for various electronic components. The agency further explained that it intended to make a sole-source award to Pace because that firm's equipment had been used by the Army to train its repair technicians and any equipment change would require revision to training courses and

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manuals, thus unreasonably delaying training and the deployment of the AN/MSM-105 Systems. In response, the agency reports, APE stated it could supply equipment which was interchangeable with the Pace equipment and its use would not result in a delay in deploying the test and repair systems. APE then submitted a proposal including some documentation used by another government agency in approving APE's equipment, APE descriptive literature and price lists and a statement that all of the APE equipment to be furnished under the solicitation would be interchangeable with the Pace equipment.

The Army evaluated APE's data and found it was not sufficiently detailed to permit a comparison of APE's equipment with the Pace equipment. The Army thus requested more detailed data from APE. APE responded by providing its Portable Rework System 425AF Manual to demonstrate the interchangeability of the APE equipment. This manual included information on adapting Pace tools to operate on the APE power source. The Army found this data "insufficient to technically evaluate the alternate source of supply" and again requested technical data from APE specifically asking for data such as manufacturing drawings for each item, quality instruction manuals and/or a typical specification. The Army also noted that the modification needed to use Pace tools with the APE power source described in APE's manual was unsatisfactory as it did not permit the modified Pace tools to be used with the Pace power unit. APE replied by stating it had submitted the brochures necessary for a side-by-side comparison of each item and by explaining its view that the tools could be made to operate on both APE and Pace power units.

Subsequently, an APE representative met with Army personnel to submit additional data and to attempt to demonstrate the interchangeability of the APE equipment. Although the record shows that the Army technical personnel were impressed with the demonstration of APE equipment, they still did not view the data submitted as adequate to show the interchangeability of the equipment. The Army informed APE that "the information you have furnished has been thoroughly evaluated and has been found to be inadequate for further evaluation" and awarded the contract to Pace.

APE views the rejection of its proposal as improper because it believes that it submitted information to the Army showing that its equipment was interchangeable with the Pace equipment, that it actually demonstrated such interchangeability during the meeting with the Army, and because its equipment already has been accepted as equal to Pace's equipment by other contracting activities.

The Army's position is that APE did not provide all the information requested by the Army and that the information it did provide was insufficient to show the interchangeability of its equipment. The Army also states that APE could not have demonstrated interchangeability and functional equivalence when it met with the Army because all the necessary Pace equipment was not available at that meeting.

The procuring agency is responsible for evaluating the data supplied by an offeror and ascertaining if it provides sufficient information to determine the acceptability of the offeror's item. 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.

The record shows that the Army requested specific data from APE on several occasions so that it could evaluate APE's equipment for functional equivalence with the Pace equipment. While the protester did provide some information, APE does not dispute that it failed to provide the manufacturing drawings, quality instruction manuals or typical specifications that were requested.

The Army maintains that the information which APE submitted did not permit it to evaluate APE's system. For example, the agency questions whether APE equipment provides adequate protection from voltage spikes--sudden brief surges in voltage--which may seriously damage sensitive state-of-the-art electric components. Although APE states that the system offered will meet the agency's

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requirements, it was incumbent upon APE as the offeror to furnish the information which the Army requested in order to evaluate its proposal.

Our examination of the record indicates that the only evidence APE offered with respect to the voltage spike question was an unexplained one page test report entitled "ZVS Voltage Spike Test" which appears to have been at best ambiguous. The report states that the equipment tested was found to have exhibited an average voltage spike of .01 volts, maximum positive spike voltage of .003 volts and a maximum negative spike of .001 volts. These numbers appear to be inconsistent, since the average should fall between the maximum positive and negative values. Since APE furnished no material explaining the test methodology used, it is impossible to determine what the numbers in the report represent or whether APE's equipment could be expected to minimize voltage spike problems as well as Pace's equipment when used in the field. In the circumstances, we do not believe that the Army acted unreasonably in concluding that it was unable to judge the interchangeability of APE's equipment from the data submitted. Similarly, we have no basis to question the agency's position that it was unable to determine interchangeability based on the demonstration.

The fact that APE's equipment has been used by other activities is not necessarily determinative of the question presented here. One procuring activity's acceptance of an item as meeting its needs is not necessarily determinative of the propriety of another procuring activity's evaluation of that same item. See Save-On Wholesale Products, B-194510, July 5, 1979, 79-2 CPD 9.

The protest is denied.

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Comptroller General
of the United States