

DECISION



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

FILE: B-214657

DATE: July 2, 1984

MATTER OF: Venram Inc.

DIGEST:

GAO will not disturb a procuring agency's determination of its needs and the specifications necessary to meet them, or the agency's technical evaluation of proposed equipment, absent a clear showing by the protester that the agency has acted unreasonably.

Venram Inc. protests the rejection of its offer of two electric hoists under request for quotations No. F41687-84-QG148 issued by Bergstrom Air Force Base, Texas. We deny the protest.

No solicitation was issued for this small purchase; instead, the requirement was synopsisized in the Commerce Business Daily (CBD), calling for quotations to furnish two electric hoists with maximum speed of 14 FPM (feet per minute); a low speed of 4.6 FPM; and a trolley speed of 50 FPM. The Air Force received nine quotations from eight firms. The protester submitted two offers: one for an electric wire rope type hoist, the other, which is involved in the protest, for an electric chain rope type hoist. Its quotation for the latter was the lowest quotation received. However, the Air Force rejected it after a technical evaluation revealed that the hoist could only attain a maximum speed of 13 FPM; a low speed of 4 FPM; and a trolley speed of 45 FPM.

Venram contends that the differences in speeds did not warrant the rejection of its proposal by the Air Force. Venram asserts that in spite of its product's inability to meet the specified speeds, the hoist is still functional. Venram offers no facts to substantiate this claim.

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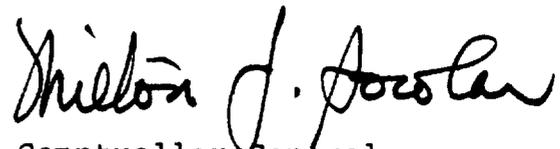
The procuring agency determining its needs and reflecting those needs, since it is familiar with how the supplies will be used. Eastern, 1984, 84-1 CPD ¶ 343 at 145, is responsible for evaluating an offeror's proposal and determining whether the equipment offered meets the agency's requirements. Protek Industries, Inc., B-209505, Sept. 22, 1983, 83-2 CPD ¶ 359. The agency's decision as to whether an offered item does not meet those needs, absent a clear showing by the protester that the decision was unreasonable. Id.; Interstate Court Reporters, B-208881.2, Feb. 9, 1983, 83-1 CPD ¶ 145.

the primary responsibility of drafting requirements that is the agency that is most familiar with how the supplies or services have been or will be used. Eastern, B-213945, March 23, 1984, 84-1 CPD ¶ 343 at 145. The agency also is primarily responsible for evaluating an offeror's proposal and determining whether the equipment offered meets the agency's requirements. Protek Industries, Inc., B-209505, Sept. 22, 1983, 83-2 CPD ¶ 359. The agency's decision as to whether an offered item does not meet those needs, absent a clear showing by the protester that the decision was unreasonable. Id.; Interstate Court Reporters, B-208881.2, Feb. 9, 1983, 83-1 CPD ¶ 145.

Venram admits that the electric chain rope type hoist it offered does not meet the specifications against which quotations were solicited. In this respect, any objection to those specifications as too restrictive should have been raised, according to our Bid Protest Procedures, before quotations were due. 4 C.F.R. § 21.2(b)(1) (1984). (There were more than 5 weeks between the CRD announcement and the due date.)

The protester has the burden to prove its case, Alchemy, Inc., B-207954, Jan. 10, 1983, 83-1 CPD ¶ 18, and Venram has not offered any evidence which might cast doubt on the reasonableness of the Air Force's decision that the chain rope type hoist is unacceptable for the reasons stated. The fact that the protester disagrees with that agency's decision does not in itself prove the decision unreasonable. Fil Coil Company Inc., B-213078, Feb. 22, 1984, 84-1 CPD ¶ 219.

The protest is denied.

for 
Comptroller General
of the United States