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DECISION



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

FILE: B-218220

DATE: May 7, 1985

MATTER OF: Bearse Manufacturing Company

DIGEST:

"Equal" bid in response to brand name or equal solicitation was properly rejected as nonresponsive where no descriptive material was submitted to establish that offered item met the salient characteristics of the brand name item.

Bearse Manufacturing Company protests the rejection of its bid for 1551 flight bags and 1800 garment bags under IFB No. F05611-85-B-0018 issued by the United States Air Force Academy, Colorado Springs, Colorado. Bearse's bid was rejected as nonresponsive because Bearse failed to comply with the solicitation's brand name or equal clause.

The solicitation asked for bids on two items. Item 0001 was described as a bag, B-4 type, Seward Luggage Co. Model # 761-61 or equal. Item 0002 was a hang-up type garment bag, Seward Luggage Co. Model # 401-61 or equal. The solicitation listed a number of characteristics describing the type of bag sought under each item.

The following blanks appeared below each item description:

Bidding On: _____
Manufacturer's Name: _____
Brand: _____
No(s): _____

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The solicitation also contained a standard brand name or equal clause, which essentially required bidders offering an equal product to identify it and to provide descriptive material with their bids that was sufficient to permit the government to determine if the product meets the salient characteristics of the brand name product. The clause also stated that the government may use information reasonably available to it to determine if the equal product meets the salient characteristics.

Bearse submitted the low bid on both items. That firm identified the products which it offered by filling in the blanks appearing below each item description as follows:

Item 0001 - Bidding on: Bag, B-4 type (above)
Manufacturer's Name: Bearse Mfg. Co.
Item 0002 - Bidding on: Bag, Garment (above)
Manufacturer's Name: Bearse Mfg. Co.

Bearse did not fill in the blanks for the brand or a number for either item.

The agency rejected Bearse's bid as nonresponsive because the firm failed to provide the descriptive material required by the brand name or equal clause to enable the agency to determine whether the item offered met the listed requirements. Bearse contends that its bid was responsive since it indicated in its bid by the use of the descriptive terms for each bag along with the word "above" that it was offering items that it would manufacture meeting listed characteristics.

To be responsive to a brand name or equal solicitation a bid offering an allegedly equal product must contain sufficient descriptive material to permit the contracting officer to assess whether the offered alternative possesses the salient characteristics of the brand name product. Bair Lar of California, B-213504, June 25, 1984, 84-1 CPD ¶ 663. If the descriptive literature, or other information reasonably available to the contracting officer, does not show compliance with the salient characteristics, the bid must be rejected. See Le Prix Electrical Distributors, Ltd., B-212518, Dec. 27, 1983, 84-1 CPD ¶ 26.

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Here, Bearnse submitted no descriptive data but merely used the word "above" to refer to the solicitation's listed characteristics. At best, such a reference constituted the bidder's blanket statement that all salient characteristics were met. Such a statement is not sufficient by itself to establish the equality of the offered product. Frontier Manufacturing Company, B-215288, Nov. 14, 1984, 84-2 CPD ¶ 529. Further, the fact that the protester had purchased a sample of each of the brand name products before bid opening does not, as the protester seems to argue, establish that the item offered will meet the listed requirements.

The protest is denied.

for Seymour Egan
Harry R. Van Cleve
General Counsel