

**DECISION**



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

**FILE:** B-220806

**DATE:** October 29, 1985

**MATTER OF:** Dakota Woodworks

**DIGEST:**

1. "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 listed in the solicitation.
2. Multiple bids by a single interest need not be rejected as long as such bidding is not prejudicial to the interests of the government or other bidders.

Dakota Woodworks protests the rejection of its bid under invitation for bids (IFB) No. 263-85-B-(68)-0150 issued by the National Institutes of Health. Dakota's bid was rejected as nonresponsive because Dakota failed to submit descriptive literature in compliance with the solicitation's brand name or equal clause. We dismiss the protest.

The solicitation contained a brand name or equal clause stating that any bids offering "equal" products would be considered for award if they fully met the salient characteristics listed in the IFB. Dakota did not submit descriptive literature with its bid because it believed the statement on its bid that the item offered would be "custom built to your salient characteristics specified herein" was adequate. Dakota also says that since it can and will custom build a product that meets the salient characteristics, it should have received the award. Finally, Dakota contends that other bidders submitted more than one bid under the IFB and that such multiple bids should have been rejected.

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 specified in the solicitation. Bearse Mfg. Co., B-218220, May 7, 1985, 85-1 CPD ¶ 509. If the descriptiveliterature or other information reasonably available to the contracting officer does not show compliance with all salient characteristics the bid must be rejected. Bai Lar of California, B-213504, June 25, 1984, 84-1 CPD ¶ 663.

Here, the protester submitted no descriptive data to show compliance with the salient characteristics but merely stated that a product would be custom built to these salient characteristics. Such a blanket statement of compliance is not, however, sufficient by itself to establish the equality of the offered product. Bearse Mfg. Co., B-218220, supra. Further, although Dakota states that it can and will meet the salient characteristics, its bid did not demonstrate this and responsiveness must be determined from the face of the bid itself without resort to explanations furnished after bid opening. NJCT Corp., B-216919, Jan. 11, 1985, 85-1 CPD ¶ 33.

Finally, with regard to multiple bidding, the general rule is that multiple bids by a single interest need not be rejected so long as such bidding is not prejudicial to the United States or to other bidders. Aarid Van Lines, Inc.--Reconsideration, B-206080.2, Mar. 15, 1982, 82-1 CPD ¶ 239. No such showing of prejudice has been made here.

The protest is dismissed.

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