

DECISION



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

FILE: B-219435.2 **DATE:** November 26, 1985
MATTER OF: Digital Equipment Corporation

DIGEST:

1. Where a company protesting award to another offeror has a fundamental disagreement with the contracting agency about the meaning of certain specifications, and the agency's interpretation is not unreasonable, protest that the agency incorrectly found that the awardee's proposal met those specifications is denied.
2. Protest that awardee's offered equipment failed to comply with mandatory solicitation specifications is denied where the awardee's proposal indicated that the offered equipment complied with the requirements and there was nothing in the proposal, or in the protest record, to establish otherwise.

Digital Equipment Corporation protests the award of a contract to AT&T Technology, Inc. under request for proposals (RFP) No. MDA904-84-R-7137, issued by the National Security Agency (NSA) for computer systems. Digital argues that certain equipment offered by AT&T does not meet mandatory solicitation requirements.

We deny the protest.

The RFP, issued on June 27, 1984, requested offers for three computer system configurations: small (to support at least 32 users), medium (64 users) and large (128 users). The RFP provided that an award would be made to the offeror that submitted the best overall proposal, with appropriate consideration given to the listed evaluation factors. On October 29, 1984, the closing date for the receipt of proposals, NSA received seven offers, two of which--proposals submitted by AT&T and Digital--were included in the competitive range. NSA held discussions with both offerors and requested each to submit a best and final offer. After evaluating the best and final offers, NSA determined that AT&T had submitted the best overall proposal and awarded a contract to that firm on June 21, 1985.

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Digital first protested to this Office on July 1, 1985, that AT&T submitted a below-cost proposal; AT&T did not offer commercially available equipment as required by the RFP; and the specifications restricted competition. That protest was denied in part and dismissed in part on October 24. Digital Equipment Corp., B-219435, Oct. 24, 1985, 85-2 C.P.D. ¶ _____. The current protest, based on information Digital acquired during an August 6 meeting with NSA, was filed on August 16.

Family of Computers/Architecture

Digital first alleges that AT&T did not offer a family of computers of common architecture as required by section 1, ¶ 1, of the RFP. Section 2, ¶ 4.3 defined a family of computers as one or more computers of the same manufacturer which share common architecture and have compatible software, hardware peripherals and input/output systems. Digital asserts that the software and many hardware items of the small, medium and large systems offered by AT&T are not compatible, and the small, medium and large systems do not have common architecture.

Concerning software compatibility, Digital states that AT&T's software for the small, medium and large computer is compatible at the source code level but not at the run time level. The significance of this is that the small system software would have to be recompiled and relinked to run on the medium and large systems, and vice versa.

NSA replies that it required the three computers to have compatible software so that software from one size computer could be used on a different size computer without a costly conversion of the software. NSA asserts that the equipment offered by AT&T, which is compatible at the source code, data and operating system levels, meets this need because software from one size computer will run on a different size computer with only an inexpensive recompile and relink effort. NSA notes that its technical evaluation team found the need to recompile and relink the software to be a minor limitation. Finally, NSA states that offerors should have been aware that complete software compatibility at all levels was not required because the proposal preparation instructions informed offerors to describe any limitations that would be faced in transporting software from one family member to any other family member.

Digital next argues that many pieces of hardware proposed by AT&T for the three sizes of computers it offered

are not fully interchangeable among the systems. Specifically, Digital states that the small system uses a different interface device for computer-terminal communication, a different disk controller, and a different removable disk storage device than does the medium and large systems; the small, medium and large systems have noninterchangeable input/output systems; and the three systems each use a different tape controller.

NSA responds that it never required interchangeable peripheral devices. Rather, it wanted to provide a degree of compatibility to aid in maintenance operation and spare parts inventory. NSA asserts that it found that AT&T's equipment was sufficiently compatible to meet this requirement.

Digital also argues that, contrary to the RFP requirements, the small, medium and large systems do not have a common architecture, another characteristic of a family of computers. Digital bases this assertion on a November 1984 Data Pro Report and states that the differences in architecture include the instruction set, internal machine language, memory management, and storage protection scheme. Digital avers that, as understood by the industry, for computers to share a common architecture they must, at a minimum, have the same instruction set/internal machine language. Digital contends that the AT&T small, medium and large systems do not have the same instruction set, and the offer consequently should not have been accepted.

In response, NSA states that in requiring a common architecture it was seeking computers with functionally equivalent, not identical, architecture to aid in software transportability, ensure a common set of peripherals could be utilized, and reduce maintenance costs. In this regard, NSA notes that nowhere does the RFP define common architecture as identical architecture, or state that compatibility means interchangeability. NSA further states that Digital's interpretation is contrary to the clearly stated need for a variety of system configurations.

Drafting specifications to meet the agency's needs and determining whether an offered product meets those needs primarily is the responsibility of the contracting agency. See Aerodyne Systems Engineering Ltd., B-216381, June 6, 1985, 85-1 C.P.D. ¶ 646; Lanier GmbH, B-216038, May 10, 1985, 85-1 C.P.D. ¶ 523. While this Office will review an

agency's interpretation of its specifications and its decision that an offered product meets those specifications, we will overturn such determinations only where the protester demonstrates they are clearly unreasonable. See Aerodyne Systems Engineering Ltd., B-216381, supra.

Here, there is a fundamental disagreement between Digital and NSA as to precisely what the specifications meant in requiring common architecture and compatibility between software and hardware among the three sizes of computers offered. While NSA maintains that it did not require identical hardware, software or architecture, Digital, although acknowledging that the system AT&T offered is marketed as a family of computers, insists that compatible software and hardware must be interchangeable, and that a common architecture requires a common instruction set. Digital, however, has not proven that anything in the RFP supports its position. Consequently, Digital has not met its burden of proving that NSA's interpretation of the specifications and its finding that the equipment offered by AT&T complies with the specifications is unreasonable. This protest basis is denied. See A.B. Dick Co., B-211119.3, Sept. 22, 1983, 83-2 C.P.D. ¶ 360.

Other Mandatory Requirements

Digital also protests that certain items of equipment offered by AT&T do not meet mandatory solicitation requirements. Specifically, Digital asserts that (1) the system offered by AT&T does not interface with a variety of standard military equipment without the use of an ancillary interface device; (2) the data links offered by AT&T do not meet the specified performance requirements; (3) the 9-track tape drive offered by AT&T for the small and medium systems (CIPHER Model 900X) does not provide program selectability; (4) the 9-track tape drive offered by AT&T for the large system (Control Data Corporation (CDC) Model 679-5) does not run at 1600/6250 BPI's operating at 125 inches per second; and (5) the hardware (a 48 megabyte Lark) offered by AT&T to support disk units with removeable media for the small system is not, in fact, available on the small system. Digital has based these assertions on its review of catalogs published by AT&T, CIPHER Products, Inc., and CDC.

NSA agrees that the system proposed by AT&T will use an ancillary device to interface with the standard military equipment. NSA asserts, however, that in requiring the

system to interface without an ancillary interface device it intended to avoid acquiring a host computer with an interface device that was not an integrated part of the system. NSA reports that its intent was made clear when in response to questions posed by the offerors before proposals were due, NSA explained that it wanted the system to interface without the use of an "intermediate" device. NSA found that in the system proposed by AT&T the interface device is an integrated part of AT&T's host system, rather than an external communication device, and that the system thus meets NSA's needs.

In response to the balance of Digital's allegations, NSA reports that (1) it determined that the data links proposed by AT&T met the required performance standards on the basis of statements in AT&T's proposal and a demonstration test of the equipment; (2) a CIPHER Data Products Manual that NSA reviewed showed that the offered Model 900X features program selectability at the required densities, and the equipment demonstrated this feature during a test; (3) AT&T offered a CDC Model TTG125 tape controller for the large configuration, not CDC Model 697-5, and during a test the TTG125 demonstrated that it met the RFP's performance requirements; and (4) the device proposed by AT&T to support removeable media for the small configuration is available on the model offered, as evidenced by drawings submitted by AT&T.

Regarding the requirement for the system to interface with military equipment without the use of an ancillary interface device, we believe that NSA could have drafted the specification to more clearly reflect that there could be an interface device if the device was integrated into the system. NSA, however, did indicate in responding to questions posed before proposals were due that actually it was seeking a system that would interface without the use of an intermediate device. We cannot conclude that NSA's determination that the system proposed by AT&T in which the ancillary device is an integrated component met the specification is unreasonable or prejudiced Digital.

Concerning the balance of Digital's protest, we have reviewed the RFP specifications, proposal submitted by AT&T, and the positions of NSA and Digital. AT&T has unconditionally committed itself to meet the requirements in the RFP. In addition, NSA reviewed test results and drawings and found that the proposed equipment, in fact, met the

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specifications. While Digital disagrees with NSA's findings, Digital has offered no substantive proof evidencing that the equipment proposed by AT&T does not meet the RFP specifications. We therefore have no basis on which to disturb NSA's conclusion that the equipment offered by AT&T is acceptable. See NBI, Inc., B-201853.3, Aug. 9, 1982, 82-2 C.P.D. ¶ 114.

The protest is denied.

for Seymour E. Hoover
Harry R. Van Cleve
General Counsel