

Support



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Volumetrics, Inc.

File: B-228745

Date: October 23, 1987

DIGEST

Bid proposing equal product under brand name or equal invitation for bids is nonresponsive when the descriptive literature submitted with the bid fails to establish that the product will meet all of the salient characteristics specified in the solicitation.

DECISION

Volumetrics, Inc., protests the rejection of its bid under invitation for bids (IFB) No. F33659-87-B-0081, issued by the Department of the Air Force for a quantity of pressure gauges, Dresser Industries Heise Model 710B-0-100 INHGABS, or equal. Volumetrics contends that the item it offered is equal to the brand name item and therefore protests the rejection of its bid as nonresponsive. We deny the protest.

Six bids were received and all descriptive literature relating to the items, other than the data submitted by Dresser, was sent to the responsible engineering group for a determination as to whether offered items satisfied the requirements of the IFB. The IFB contains the "Brand Name or Equal" clause which provides, in pertinent part, that an offeror shall identify any "equal" product that it proposes to furnish under the solicitation and that the offeror must furnish descriptive materials necessary for the purchasing activity to determine whether the product offered meets the salient characteristics required by the solicitation.

Volumetrics offered "Volumetrics, Inc. Model PM-100" as an alternate to the brand name. The descriptive literature the firm provided discussed two models, the PM-100 and the PM-500. The agency states that in providing technical data on both models, Volumetrics failed to assure that the data on the offered model PM-100 fully satisfied the salient characteristics in the solicitation. In particular, the literature showed that the model PM-100 was deficient in accuracy, (PM-100 gage is ± 0.1 percent accuracy as compared to the required ± 0.05 percent accuracy); did not indicate

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the item's ability to operate using 50 HZ current; and did not specify the size of the numerals in the display. The agency states these are material requirements of the purchase description.

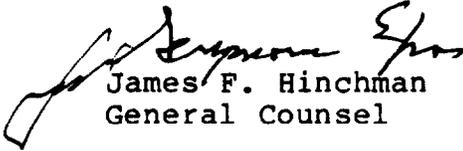
Bids offering "equal" products must conform to the salient characteristics of the brand name equipment listed in the solicitation in order to be regarded as responsive. Andrew Corp., et al., B-217024 et al., Mar. 25, 1985, 85-1 CPD ¶ 344. A bidder must submit with its bid sufficient descriptive literature to permit the contracting agency to assess whether the equal product meets all the salient characteristics specified in the solicitation. If the descriptive literature or other information reasonably available to the contracting activity does not show compliance with all salient characteristics, the bid must be rejected. Dakota Woodworks, B-220806, Oct. 29, 1985, 85-2 CPD ¶ 486.

We have reviewed the literature submitted with Volumetrics' bid and find that the agency's conclusion that the literature did not address or show compliance with certain of the salient characteristics is correct. Under these circumstances, if awarded a contract, Volumetrics would not be bound to furnish items possessing these characteristics; it is not enough in a brand name or equal procurement that the bid otherwise agreed to satisfy all IFB requirements. See R.A. Miller Industries, Inc., B-215084, Sept. 24, 1984, 84-2 CPD ¶ 332.

Volumetrics maintains that the acceptability of its bid should have been determined from the literature covering its model PM-500. Notwithstanding inclusion of this PM-500 literature with Volumetrics' bid, however, as the agency points out, the bid itself clearly offered only the model PM-100. It thus would have been improper to determine the acceptability of the bid based on some other model. In any case, Volumetrics' model PM-500 literature was reviewed and the agency noted that it made no mention of the 50 HZ requirement or the size of the display.

We conclude that the rejection of Volumetrics bid as nonresponsive was proper since the descriptive material submitted by Volumetrics did not establish that its offered product met the IFB's salient characteristics.

The protest is denied.



James F. Hinchman
General Counsel