



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Consolidated Bell, Inc.

File: B-228511

Date: February 22, 1988

DIGEST

Proposal was properly found technically unacceptable where descriptive literature submitted with proposal established that offered printer was not the functional equivalent of the required printer.

DECISION

Consolidated Bell, Inc., protests the award of a contract to Aquair Defense, Inc. under request for proposals (RFP) No. 52-SAAA-7-02039/HAL, issued by the Department of Commerce. Commerce found Bell's proposal technically unacceptable for failure to meet the minimum requirements of the solicitation.

The protest is denied.

The RFP, issued July 14, 1987, contemplated the award of a firm, fixed-price contract for the acquisition of IBM PC/XT compatible personal computer systems including software and printers. The RFP was amended once to clarify the solicitation and to answer questions of prospective offerors. Commerce received 24 proposals by the closing date for receipt of proposals. Bell's proposal was found technically unacceptable by Commerce because Bell's offered letter quality printer did not meet the minimum requirements of the RFP. On September 28, 1987, Commerce awarded a contract based upon initial proposals to Aquair, as the lowest priced, technically acceptable offeror.

The RFP contained a brand name or equal clause which informed offerors that proposals offering "equal" products would be considered for award if such products met fully the salient characteristics listed in the solicitation. Regarding the letter quality printers, however, the RFP provided the following purchase description:

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"(1) Letter Quality Printer: The [agency] requires a parallel interface printer capable of producing letter quality print at low speed (one or more pages per minute). Required is the IBM Quietwriter or its functional equivalent. The printer must be fully compatible with the PCs and operate system software. The minimum print speed is 40 CPS (burst rate) with a 10 pitch font."

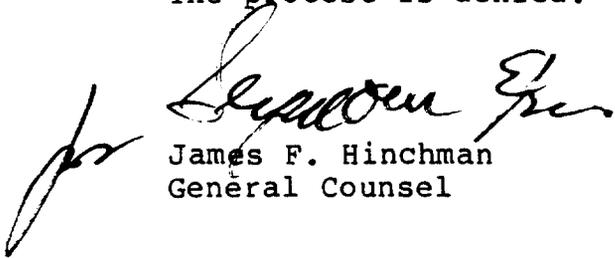
Bell contends that its proposed letter quality printer met all the requirements of the RFP. Commerce contends that the Brother HR40 printer offered by Bell is not the functional equivalent of the IBM Quietwriter. Commerce states that the basic difference between the two printers is that the Brother HR40 is an impact printer while the IBM Quietwriter is a thermal printer, which results in three substantial differences: (1) the Brother HR40, using a daisy wheel, can only print a 96 character set while the IBM Quietwriter will print a 252 character set; (2) the Brother HR40 cannot print directly on transparencies; and (3) impact printers are noisier than thermal printers.

The issue here is whether Commerce properly determined Bell's proposal to be technically unacceptable. In this respect, the evaluation of proposals is primarily the responsibility of the procuring agency, and we will not question an agency's technical evaluation unless a protester shows that the agency's evaluation was unreasonable or in violation of the procurement statutes or regulations. Digital Devices, Inc., B-225301, Mar. 12, 1987, 87-1 CPD ¶ 278.

In this case, Commerce defends its determination that Bell's offered printer is not the functional equivalent of the IBM Quietwriter on the basis that the descriptive literature submitted by Bell with its proposal established that the Brother HR40 is significantly different than the IBM Quietwriter. Bell does not contend that its offered printer is the functional equivalent of the IBM Quietwriter. Rather, Bell argues that its offered "equal" printer met all the salient characteristics stated in the purchase description and that in accordance with the brand name or equal clause in the RFP Bell's printer should have been considered for award. We find that while the RFP contained a brand name or equal clause, the purchase description for letter quality printers in Appendix A to the RFP set out separate specifications which stated among other requirements that Commerce required the IBM Quietwriter or its functional equivalent. Bell has not alleged or shown that its offered printer is functionally equivalent to the IBM Quietwriter as required by the RFP. Moreover, from our reading of the descriptive literature submitted by Bell, we cannot conclude

that the agency's determination was unreasonable. Thus, since the agency's evaluation of Bell's offer has not been shown to have been unreasonable or otherwise improper, we have no basis to question it.

The protest is denied.

A handwritten signature in black ink, appearing to read "James F. Hinchman". The signature is written in a cursive style with a large initial "J" and "F".

James F. Hinchman
General Counsel