

Mr. Benejam



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: East West Research, Inc.
File: B-243106
Date: March 14, 1991

Richard Snyder for the protester.
Philip F. Eckert, Jr., Esq., Defense Logistics Agency, for
the agency.
Aldo A. Benejam, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest that agency improperly failed to list protester as a manufacturer of items required under request for quotations, based solely on agency's rejection of protester's product under a prior procurement of a different item, is dismissed since the protest as submitted fails to state a valid basis of protest.

DECISION

East West Research, Inc. protests the Defense Logistics Agency's (DLA) failure to list the firm as a manufacturer of the item called for under request for quotations (RFQ) No. DLA400-91-T-A359 (A359), issued by DLA using small purchase procedures for 300 welding torches.

We dismiss the protest.

RFQ No. A359, issued on February 13, 1991, as a total small business set-aside, sought quotations for the 300 torches by March 2. East West did not submit a quotation in response to RFQ No. A359. The protester states, however, that DLA rejected East West's "alternate offer" for the same item required under RFQ No. A359, which the firm had submitted in response to RFQ No. DLA400-91-T-3485 (3485), a different solicitation previously issued by DLA on November 15, 1990. East West alleges that DLA improperly failed to list East West as a manufacturer under RFQ No. A359 because its "alternate offer" submitted under RFQ No. 3485 was improperly rejected.

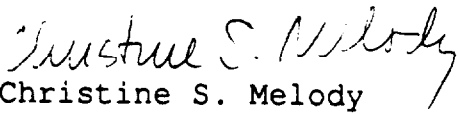
Contrary to East West's assertion, a comparison of RFQ Nos. A359 and 3485 reveals that the solicitations called for two different items. RFQ No. A359, which is protested here,

sought 300 welding torches identified by national stock number (NSN) 3431-00-450-5695, and described by the part numbers (P/N) of four different manufacturers (P/Ns 948084, SW-2012, WP-20-12, and WN-20-12); RFQ No. 3485 sought quotes on 500 welding torches identified by NSN 3431-01-045-7971, and described by the P/Ns of six different manufacturers (P/Ns 948085, SW-2025, CNI-20-25, WN-20-25, HP-20-25, and HP-20-25), of which four were the manufacturers identified in RFQ No. A359. East West is thus attempting to protest the agency's failure to list the firm as a manufacturer on RFQ No. A359,^{1/} based solely on actions previously taken by the agency in connection with RFQ No. 3485, a totally different procurement, which East West did not protest.

Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4) (1990), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Hose-McCann Telephone Co., Inc.--Recon., B-240382.2, Aug. 6, 1990, 90-2 CPD ¶ 113.

Here, we fail to see how East West's reference to the agency's rejection of its offer under an unrelated prior RFQ demonstrates that the agency acted improperly in not listing the firm as a manufacturer under the current RFQ, which calls for a different item. Accordingly, we find that East West has not stated a valid basis for protest.

The protest is dismissed.


Christine S. Melody
Assistant General Counsel

^{1/} Indeed, in its response to the agency's request that we dismiss the protest, East West specifically states that it is protesting RFQ No. A359's item description.