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Comptroller General  
of the United States

Washington, D.C. 20548

144735

## Decision

**Matter of:** East West Research, Inc.

**File:** B-244253

**Date:** August 20, 1991

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Richard Snyder for the protester.  
Larry D. Ramirez for New Era Contract Sales, Inc., an interested party.  
Philip F. Eckert, Jr., Esq., Defense Logistics Agency, for the agency.  
Charles W. Morrow, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Previously approved manufacturer is not required to comply with the request for quotations' alternate offers clause simply because its name and item numbers did not initially appear in the item description where the change in description is simply an administrative change to reflect the manufacturer's name and item number instead of a dealer's name and item number.

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### DECISION

East West Research, Inc. protests an allegedly defective item description in request for quotations (RFQ) No. DLA400-91Q-N879, issued by the Defense Logistics Agency, Defense General Supply Center (DGSC), for soldering flux. East West essentially contends that DGSC improperly designated a manufacturer in the RFQ's item description that had not met the requirements of the RFQ's alternate offers clause.

We deny the protest.

The RFQ was initially issued on April 8, 1991, to obtain quotes for the supply of 12 gallons of soldering flux, [National Stock Number] NSN 3439-C1-216-3465. The product was identified in the item description as McMaster Carr Supply Company, FSCM 39428, P/N 7699A30. The RFQ also invited quotes

on alternate items under the standard DGSC alternate offers clause, which required offerors of an alternate item to furnish sufficient technical data to permit DGSC to determine the acceptability of the alternate item.

In response to the RFQ, on April 30, East West submitted a quote on an alternate product, identified as "Red Libra Solder Flux." At that time, East West advised DGSC that the RFQ's item description erroneously identified McMaster as the manufacturer of the product. East West therefore requested that DGSC remove McMaster's name from the item description, since under DGSC policy only a manufacturer's name should appear in an item description. After researching East West's request, DGSC determined that McMaster, in fact, is only a dealer of the item and that the actual manufacturer of the designated soldering flux is Ruby Chemical Co.<sup>1/</sup> Thus, on May 22, DGSC revised the RFQ's item description to reflect Ruby as the manufacturer with its item number, and extended the RFQ due date to June 5. East West filed this protest against the revised RFQ on May 30.

East West does not dispute that Ruby is the manufacturer of the product. Instead, East West, in effect, argues that Ruby's product is required to meet the requirements of the alternate offers clause because its name did not initially appear in the item description. We find that such a reading of that clause is clearly inconsistent with the clause's intent, which is to determine the acceptability of items other than the previously approved manufacturer's item. Since the Ruby product is the same product identified by a McMaster item number that has been determined to be acceptable, there is no requirement that Ruby's product be reapproved simply because of the administrative change made in the item description.

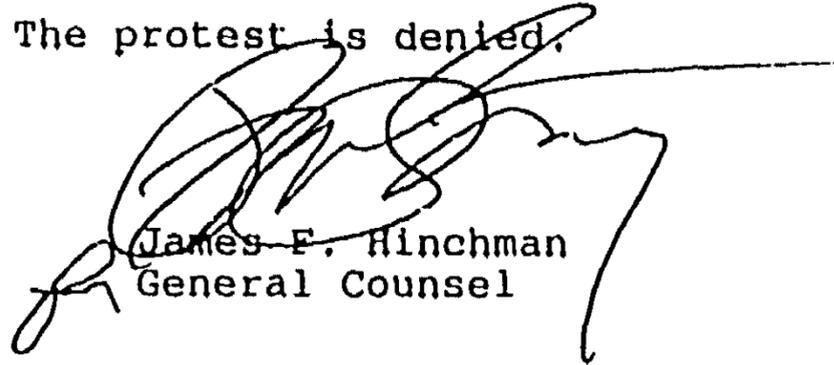
East West argues that the agency's action of simply accepting the word of Ruby that it is the manufacturer of the item shows unequal treatment, since East West must comply with the alternate offers clause. While East West speculates that McMaster might have offered a different manufacturer's product under the designated item number or that one of Ruby's other soldering fluxes was the actual product previously approved, there is no evidence that the redesignation references a product different from the previously approved soldering flux. On the other hand, East West does not contend that its offered

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<sup>1/</sup> DGSC reports that this information was verified by contacting Ruby Chemical Co.

soldering flux was previously approved. Thus, we do not agree that there was improper unequal treatment in the administrative redesignation of the previously approved product.

The protest is denied.

A large, stylized handwritten signature in black ink, appearing to read 'James F. Hinchman', is written over the typed name and title. The signature is highly cursive and loops around the text.

James F. Hinchman  
General Counsel