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

# Decision

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

**File:** B-244201

**Date:** September 12, 1991

Richard Snyder for the protester,  
Judith C. Suter, Esq., and Philip F. Eckert, Esq., Defense  
Logistics Agency, for the agency.  
Henry J. Ricardo, and Paul Lieberman, Esq., Office of the  
General Counsel, GAO, participated in the preparation of the  
decision.

## DIGEST

Agency had a reasonable basis not to list protester's product in a solicitation item description where, in response to an agency request for information, the protester refused to provide the agency with technical data indicating that it either manufactured or controlled the manufacture and design of the product in question.

## DECISION

East West Research, Inc. protests the terms of request for quotations (RFQ) No. DLA400-91-T-G555, issued by the Defense General Supply Center (DGSC), Defense Logistics Agency (DLA), for silver brazing alloy, National Stock Number (NSN) 3439-00-770-4905, on the grounds that the RFQ did not list East West's product Libra/G part number in the item description. In 1987, East West's product had been included in the NSN purchase description, and East West had twice delivered the product under DLA orders before DGSC removed East West's product from the purchase description. East West protests that the RFQ is defective because this removal was "without legal basis," and seeks reinstatement of its part number in the item description.

We deny the protest.

The agency reports that in response to concerns over the accuracy of part numbers in various item descriptions, it decided to approve only items whose part numbers identify either the actual manufacturer of the item or the firm

controlling the manufacture and design of the item. Accordingly, by letter dated February 13, 1990, DGSC advised East West that in order for its part number to be retained in the item description it "must furnish copies of technical data which you use to make the item or provide to your manufacturer for use in manufacturing the item for you." The letter added that if East West did not comply by March 12, 1990, DGSC would have Libra/G deleted from the item description. East West did not provide the requested data to the agency, and DLA removed East West's part number from the item description without further notice to East West. Consequently, the RFQ in question did not list East West's product in the item description.

In East West Research, Inc., B-238892, July 3, 1990, 90-1 CPD ¶ 6, we recognized the agency's right to require the information sought from East West as a prerequisite to listing the firm's part number in an RFQ item description. The agency explained that it requires sufficient information to allow it to determine that a part number in an item description designates either the actual manufacturer of the item or the firm controlling the product design. Otherwise, DLA explained, a listed item may be one that has been relabeled by a firm which did not produce or design it, in which case the design may be changed by the actual manufacturer without that change being reflected in the listed part number and without any notice to the government of the change. In other words, DLA seeks to insure that a part number reflects the most current configuration of the item. In our earlier decision, we determined that this concern provided a reasonable basis for the agency's position. We see no reason to decide differently in this case. Accordingly, since East West did not provide the requested information, we see no basis to view the RFQ as defective simply because East West's part number was not included in the item description.

The protest is denied.

  
for James F. Hinchman  
General Counsel