



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

# Decision

**Matter of:** White Storage & Retrieval Systems, Inc.

**File:** B-246029

**Date:** February 11, 1992

Steven B. Wiley for the protester.  
Wendy A. Polk, Esq., Department of the Army, for the agency.  
Nina Fantl, Esq., and William T. Woods, Esq., Office of the  
General Counsel, GAO, participated in the preparation of the  
decision.

## DIGEST

Where a brand name or equal solicitation required submission of descriptive literature to establish that the offered product meets the salient characteristics and bidders were informed that failure to do so would require rejection of their bids, agency properly rejected bid on the basis that the accompanying descriptive literature did not demonstrate compliance with a number of salient characteristics. A bid that promises to supply customized equipment that will meet specification requirements is an insufficient substitute for required descriptive literature.

## DECISION

White Storage & Retrieval Systems, Inc. protests the rejection of its bid under invitation for bids (IFB) No. DAFK48-91-B-0066, issued by the Department of the Army, on a brand name or equal basis, for a computerized vertical carousel storage system. The Army rejected White's bid because the descriptive literature White submitted did not sufficiently address some of the salient characteristics of the specified brand name item. White maintains that its bid adequately indicated that its offered product was equal to the brand name product and that its bid therefore was responsive. We deny the protest.

The IFB called for a vertical carousel storage system manufactured by Richards-Wilcox, or equal, and listed salient characteristics for the system. The IFB stated

that bidders were responsible for submitting sufficient descriptive literature with their bids to demonstrate product compliance with the salient characteristics. The IFB advised that failure of the literature to show that the product offered meets the requirements of the solicitation would result in rejection of the bid.

The Army received five bids by the bid opening date. White, offering equal products, was the overall low bidder, and Hanel Storage Systems was the low bidder on Items 11 through 18.<sup>1</sup> Richards-Wilcox, offering the brand name system, was second low on the items to be awarded on an aggregate basis. The Army rejected White's bid because a review of the firm's descriptive literature indicated that the product failed to meet a number of salient characteristics. For example, the agency found that White's bid failed to indicate compliance with the following requirements: (1) structural framework supporting a fully loaded carousel without reliance on the outer skins for support; (2) 20-gauge sheet metal for the cosmetic skin, front service panel, and access door of the vertical carousel; and (3) shelving with beveled lip. The Army therefore made awards to Richards-Wilcox based on its offer of the brand name items and Hanel for the items considered for multiple award.

White maintains that its offered product fully conforms to the salient characteristics of the IFB and that it submitted the most cost effective bid. In responding to the agency report, White did not address the specific agency findings concerning the adequacy of its descriptive literature.

To be responsive to a brand name or equal solicitation, a bid offering an equal product must conform to the salient characteristics of the brand named equipment listed in the solicitation. Trail Equip. Co., B-241004.2, Feb. 1, 1991, 91-1 CPD ¶ 102. Here, the solicitation contained the standard descriptive literature clause which requires the bidder to submit descriptive literature that lists the salient characteristics of the offered equipment to demonstrate that the product meets all the listed specifications. When required to do so by the IFB, a bidder must submit with the bid sufficient descriptive literature to permit the agency to assess whether the equal product meets all the salient characteristics. See TriTool, Inc., B-233153, Jan. 25, 1989, 89-1 CPD ¶ 84. If the descriptive

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<sup>1</sup>The IFB provided that storage bins and dividers for the system, Items 11 through 18, would be considered for possible multiple award while the rest of the items would be an aggregate award.

literature, and any other information available to the agency, does not show compliance with all salient characteristics, the contracting activity must reject the bid as nonresponsive. AZTEK, Inc., B-229897, Mar. 25, 1988, 88-1 CPD ¶ 308.

White's bid and literature did not demonstrate that the offered equal item meets all required characteristics specified in the IFB. For example, the IFB provided that the outer skins, the front service panel, and the access door of the carousel must be made of 20-gauge sheet metal. White's literature says that its pans are made of heavy gauge steel, but does not specify the gauge or contain information on the thickness of the material used for the other components. Also, the specifications provided that the carrier shelves or pans must have a beveled lip. The Army discussed the importance of this requirement during a site visit in which White participated. The agency later amended the IFB to explain that a beveled lip, as opposed to a straight vertical lip, was required in order to reduce the possibility of damage to stock when storing items that are difficult to handle. White's literature failed to address this requirement. White's blanket offer to supply items that meet the specifications does not satisfy the descriptive literature requirement; there must be some showing that the equal product in fact meets the characteristics.<sup>2</sup> IRT Co., B-233134, Feb. 21, 1989, 89-1 CPD ¶ 216.

White further argues that the Army acted improperly in responding to the protest by withholding the awardee's descriptive literature and other data from the protester in order to conceal relevant information. White speculates that such information would indicate that Richards-Wilcox failed to provide descriptive literature addressing the salient characteristics listed in the IFB or, alternatively, that the brand named equipment was unable to meet the specifications listed in the IFB.

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<sup>2</sup>We do not agree with the Army's conclusion that White's literature failed to address the requirement that the structure of the carousel's frame must support a fully loaded carousel without reliance on the outer skins for support. White's literature said that the system employs a heavy frame that supports the chain sprockets, tracks, drive units, and side panels. In other words, the frame supports the side panels (or skins), not the other way around. Nevertheless, because White failed to include with its bid descriptive literature that showed conformance with all required features, the contracting officer properly rejected White's bid as nonresponsive.

These allegations do not provide a basis for protest since they do not purport to establish that the evaluation and rejection of White's bid were improper. In any case, based on our review of the record, we find, as did the agency, that the awardee's descriptive literature adequately addressed the salient characteristics required by the IFB and demonstrated that the brand named equipment was responsive to the requirements of the solicitation.

The protest is denied.

*for Seymour Eason*  
James F. Hinchman  
General Counsel