



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Integrated Systems Group, Inc.

**File:** B-246447; B-246448

**Date:** March 9, 1992

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Esq., Office of the General Counsel, GAO, participated in  
the preparation of the decision.

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### DIGEST

Agency properly rejected protester's automatic data processing equipment as unacceptable where it reasonably determined that the proposed equipment did not possess all of the features specified, and thus was not equivalent to that described in the Commerce Business Daily announcement.

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### DECISION

Integrated Systems Group, Inc. (ISG) protests the Internal Revenue Service's (IRS) issuance of two delivery orders to Sun Microsystems, Inc. under Sun's General Services Administration (GSA) nonmandatory automatic data processing equipment (ADP) contract, No. GS00K91AGS5813. ISG principally contends that it offered the lowest-cost equipment conforming to the agency's requirements, and therefore should have received the awards.

We deny the protests in part and dismiss them in part.

As required by the Federal Information Resources Management Regulation, 41 C.F.R. § 201-32.206(f) (1991), IRS announced in the Commerce Business Daily (CBD) its intent to issue a delivery order--requisition No. 0100308--against Sun's nonmandatory GSA contract. The requirement covered 31 items, including 1 Sun SPARC file server model 490 with 32 megabytes (mbytes) of random access memory (RAM) and 644 mbytes of internal disk storage, 2 SPARC model 2 workstations, and 2 SPARC file servers model 470 with 32 mbytes of RAM and 644 mbytes of internal disk storage, and associated peripherals, software, documentation and licenses. On the same day, the IRS announced in the CBD its intent to issue a delivery order--requisition No. 0100329--against Sun's GSA contract for 11 items, including 1 Sun

SPARC file server model 470 workstation with 32 mbytes of RAM and 644 mbytes of internal disk storage, and associated peripherals, software, documentation and licenses. The announcements indicated that both SPARC file server models 470 and 490 were required to accept the Symbolics Ivory co-processor, which is used to provide access to an artificial intelligence, expert systems program to identify tax issues. Both announcements required potential alternate sources to furnish technical and pricing information within 15 days showing their ability to meet the requirements.

Five firms responded to the announcement under requisition No. 0100308 and four firms to the announcement under requisition No. 0100329. In its responses to both announcements, ISG proposed Tatung CompStation model 40 workstations as an alternate to the specified Sun SPARC file servers (models 470 and 490), and the specified Sun SPARC model 2 workstation. As part of its quotes, ISG furnished charts setting forth the features of the Tatung CompStation model 40 workstation. Based upon its review of ISG's quotes and the accompanying charts, IRS determined that the equipment quoted was not capable of satisfying all of the announced requirements. For example, while the announcements specified that the file servers include 32 mbytes of RAM, ISG's description of the CompStation model 40 workstation only specified 8 mbytes of RAM. According to IRS, the applications and the volume of the data processing activities to be supported on the system require 32 mbytes of RAM. In addition, IRS determined that the proposed equipment did not satisfy the advertised requirement to support the Symbolic Ivory co-processor. According to the agency, while the chart furnished by ISG for the CompStation model 40 workstation shows that it includes S-type bus slots--for data transfer and communications--the specified Symbolics Ivory co-processor requires an architecturally different VME-type bus slot. In addition, the agency noted that the CompStation 40 workstation is not listed by the manufacturer of the Symbolics Ivory co-processor as compatible with the co-processor. Based on its determination that ISG's equipment was unacceptable, IRS placed orders against Sun's schedule contract.

ISG maintains that its equipment does in fact meet the stated requirements. In support of its position, ISG refers to descriptive literature it claims it furnished with its quotations (but which IRS denies receiving). For example, ISG maintains that it satisfied the announced requirement to support the Symbolics Ivory co-processor by offering a model No. SFVME-100 interconnect, manufactured by Solflower Computer, Inc., and described in the literature as an S-bus-to-VME-bus-adapter.

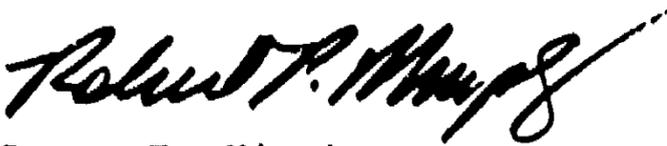
The contracting agency has the primary responsibility for defining its minimum needs and determining whether an offered item will satisfy those needs, since it is the agency that is most familiar with the conditions under which the supplies or services will be used and that must bear the burden of difficulties incurred by reason of a defective evaluation. East West Research, Inc., B-239516, Aug. 29, 1990, 90-2 CPD ¶ 110. The offeror of an alternate product bears the responsibility for affirmatively demonstrating the acceptability of the alternate product, Aero Components Co., B-243919, Aug. 14, 1991, 91-2 CPD ¶ 148, and we will not disturb an agency's technical determination in this regard unless it is shown to be unreasonable. East West Research, Inc., B-236723, Dec. 8, 1989, 89-2 CPD ¶ 531, aff'd, East West Research, Inc.--Recon., B-236723.2, Mar. 29, 1990, 90-1 CPD ¶ 338.

We find IRS reasonably concluded that ISG's CompStation model 40 workstation was not an acceptable alternate that would satisfy the agency's overall requirements as set forth in the CBD synopsis. First, even if we accept ISG's claim, disputed by the agency, that it furnished with its quotations descriptive literature on the Solflower SFVME-100 interconnect, ISG only quoted a price for a piece of equipment which it described as "Solflower 400." Nowhere in its quotation, as supplemented by the descriptive literature, did ISG quote a price for the Solflower SFVME-100 interconnect, describe the Solflower 400, or state that the Solflower 400 included the VME-to-S-bus interconnect, required to use the CompStation model 40 workstation with the specified Symbolics Ivory co-processor. Further, ISG does not specifically claim that the CompStation 40 offered as an alternate to the file servers included the 32 mbytes of RAM specified in the announcements. While the specifications chart furnished by ISG for the CompStation 40 described it as having a "Main Memory" (RAM) of 8 mbytes up to 128 mbytes, the chart indicated that the base configuration for the workstation only included 8 mbytes; nowhere in its quotation did ISG state that the price quoted for the workstation included the required 32 mbytes of RAM. We conclude that IRS reasonably determined that ISG had not adequately demonstrated the acceptability of its proposed alternate equipment. Integrated Sys. Group, Inc., B-246095, Feb. 18, 1992, 92-1 CPD ¶ \_\_\_\_.

ISG also argues that, even if the CompStation model 40 workstation was properly found not to be an acceptable alternate to the required SPARC file servers, IRS was required to break out its requirement for SPARC workstations and consider the CompStation 40 as an alternate to that requirement. This argument is untimely. Our Bid Protest Regulations require protest of alleged improprieties in a solicitation to be filed prior to the time set for receipt

of proposals; all other protests must be filed not later than 10 working days after the basis for protest is known or should have been known. 4 C.F.R. § 21.2(a) (1991), as amended by 56 Fed. Reg. 3759 (1991). The CBD announcements, published on September 13, 1991, required potential offerors to respond with prices and a description of the offered hardware and software sufficient to permit technical evaluation within 15 calendar days of the announcement. Since ISG did not raise this alternate argument until it submitted its comments on the agency report on December 19, approximately 2 1/2 months after the closing date for receipt of responses to the CBD announcements, it is untimely and will not be considered.

The protests are denied in part and dismissed in part.

  
for James F. Hinchman  
General Counsel