

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*61067*

FILE: B-186864

DATE: September 29, 1976

MATTER OF: Racon, Inc.

*97956*

**DIGEST:**

Allegation that offered brand name product did not meet requirements of salient characteristic listed in "brand name or equal" solicitation is primarily for resolution by contracting agency and technical determination of this nature will be overturned only where shown to be unreasonable. Since record indicates agency's interpretation of specification and determination that brand name offeror complied with requirement was reasonable, protest is denied.

Racon, Inc. (Racon) protests the award of a contract to Omni Spectra, Inc. (Omni) under Request for Proposals (RFP) ST-76-50, issued by the Department of State (State).

The subject FRP contained a "brand name or equal" purchase description listing Omni as the brand name manufacturer and the Omni Model 300 microwave & intrusion alarm with standby battery Model BA-20 (Omni Model 300) as the brand name product. Omni offered the referenced brand name product in its proposal. Racon alleges that this product does not meet the intent or wording of salient characteristic No. 5 of the solicitation, which provides:

- "5. Modulation: The T/R shall provide four selectable channels of operation, each with a different modulation frequency, permitting operation of up to four separate T/R systems in close proximity to each other without interference."

Racon asserts that Omni's Model 300 does not meet salient characteristic No. 5, because only the transmitter component ("T") provides four selectable channels and the receiver component ("R") does not. Racon states that both the "T" and "R" components must provide for four selectable channels in order to satisfy the specification as written.

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In response to Racon's protest, State asserts that salient characteristic No. 5 accurately describes Omni's Model 300. The agency advises that the intent of salient characteristic No. 5 was to permit operation of up to four separate microwave alarm systems in close proximity to each other without interference and that in order to accomplish this objective it is not necessary for both the transmitter and receiver components to provide four selectable channels. State notes that salient characteristic No. 5 requires the "T/R" (transmitter/receiver) to provide four selectable channels of operation so that "up to four separate T/R systems [can operate] in close proximity to each other [system] without interference." (Emphasis added.) Moreover, State points out and our independent examination has verified, that Omni's technical manual specifically indicates that the selectable modulation frequencies in its transmitter are for the purpose of permitting links to operate within close proximity by reducing the possibility of crosslink modulation or mutual interference.

When a "brand name or equal" purchase description is used the solicitation is required to include a listing of salient characteristics of the brand name products to indicate the essential needs of the procuring activity. Federal Procurement Regulations § 1-1307-4(b) (1964 ed. amend 85). Bids offering brand name products must conform to those salient characteristics listed in order to be regarded as responsive. General Hydraulics Corporation, B-181537, August 30, 1974, 74-2 CPD 133 and cases cited therein. Here we think it is clear that salient characteristic No. 5 requires only that four separate systems be able to operate in close proximity to each other, and there has been no showing that State was unreasonable in interpreting the specification or in determining that it was met by Omni's Model 300.

In view of the foregoing, Racon's protest is denied.

Acting

  
Comptroller General  
of the United States