[Protest Alleging Erroneously Granted Proposal Evaluation
Bonus]. B-168773. July 28, 1977. 5 pp. + enclosure (1 pp.).

Decision re: Data 100 Corp.; by Robert P. Keller, Deputy
Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government
   (806).
Organization Concerned: Department of Commerce; Sperry Rand
   Corp.: Sperry Univac Federal Systems Div.
Authority: 43 Comp. Gen. 23.

        The protester asserted that the awardee was improperly
credited with an evaluation factor (bonus) for its printer
subsystem. This allegation was denied because the printer
offered by the awardee complied with the agency's reasonable
interpretation of the bonus requirement. The solicitation was
ambiguous because it failed to provide necessary information to
determine whether the equipment would meet the preferred higher
speed. While prejudice to the protester was not apparent, the
agency should insure that future solicitations explain more
fully the applicability of evaluation criteria. (Author/SC)

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

FILE: B-188773   DATE: July 28, 1977

MATTER OF: Data 100 Corporation

DIGEST:

1. Protester's contention that awardee was erroneously granted evaluation bonus for complying with desired higher print speed is denied because printer offered by awardee complied with agency's reasonable interpretation of bonus requirement.

2. Solicitation which provides for evaluation of prices by deducting an amount if offered equipment has more desirable faster printing speed is ambiguous because solicitation failed to provide necessary information to determine whether equipment would meet preferred higher speed. While prejudice to protester is not apparent, agency should insure that future solicitations explain more fully the applicability of evaluation criteria.

    Data 100 Corporation (Data 100) protests the award made by the Commerce Department to Sperry-Univac under Request for Proposals (RFP) No. 6-35040 for eight "remote batch terminal" systems. Data 100 asserts that Sperry-Univac's proposal was improperly credited with an evaluation factor (bonus) for its printer subsystem.

    The RFP contemplated that the contractor supply to the Bureau of the Census (Census) a minimum of eight and a maximum of twenty remote batch terminals suitable for integration into an existing system of Univac 1100 series computers. Each terminal was to include a line printer, which the specifications described as follows:

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"High Speed Printer

It shall be capable of high quality
printing at a minimum rate of 1250
lines per minute /LPM/ when printing
full lines of 132 characters. A line
width of 160 characters and 2000 LPM
is highly desirable. The 160 charac-
ter and 2000 LPM option will receive
an evaluation bonus of $25,000 per
printer. The print fonts shall be
either open Gothic or OCR-B. The min-
imum character set is either the 64-
character Fieldata set or the 96-
character ASCII subset. (The character
set to be delivered with each printer
will be specified by Census at the time
the initial order is placed.)"

Amendment No. 2 to the RFP clarified this provision by
stating that the bonus evaluation factor of $25,000
would be applied to each feature per unit, i.e., both
the 160-character and the 2000 LPM feature.

Sperry-Univac offered to supply Univac 0770-04
printers with its batch terminal system. Commerce
determined that the Univac printers qualified for an
evaluation bonus of $50,000 per printer because they
satisfied both the 160-character option and the 2000 LPM
option. The bases for this determination were: (1)
Sperry-Univac's affirmation of entitlement; (2) a Univac
Programmer Reference Manual, submitted with the proposal;
and, (3) a test printing run.

The basis of Data 100's protest is that the Univac
0770-04 printer does not print 2000 LPM when using the
required 64-character set and thus was not entitled to
the evaluation bonus.

The speed at which a printer prints depends upon
two mechanical motions performed by the printer. First,
the paper moves vertically to position it properly to
print a line. The time which this motion takes is easily

measurable for any given printer. Second, the print
band, which is an "endless loop" containing the 64 print
characters (the "type") positioned at intervals, moves
horizontally to position the desired characters for
printing. The time which this motion takes depends
upon the frequency with which the same characters appear
in the 64-character print band and which characters actu-
ally are being printed. If a character appears more
frequently on the 64-character band, the mechanical motion
needed to position that character for printing decreases.

The print cartridge offered by Sperry-Univac
(Univac F 1537-12) has an array in which each numeric
(0, 1 . . . 9) appears three times and each alphabetic
(A, B, C . . .) appears twice. Consequently this
cartridge prints a line containing numerics faster than
a line which contains all alphabetics.

The protester points out that the Sperry-Univac
Programmer Reference Manual states that the print speed
of the Univac 0770-04 when printing a 48-character set
is 2000 LPM, while its speed when printing a 64-character
set is 1618 LPM. However, the manual specifies that this
print speed was computed on the assumption that the printer
was printing with a cartridge in which each character in
the array was unique. These conditions clearly do not
exist with the F 1537-12 print cartridge, specified in
the Sperry-Univac proposal, because that cartridge con-
tains some characters three times and thus may be able to
print more rapidly than the hypothetical print cartridge
used to derive the print speed of 1618 LPM stated in the
manual. Thus the print speed mentioned in the Sperry-
Univac manual is not necessarily the same as the print
speed of the Univac 0770-04 printer printing with a
F 1537-12 print cartridge.

The protester also points out that Example 3 of page
2-18 of the Univac Programmer Reference Manual states
that the print rate of the Univac 0770-04 printer when
printing with a 64-character cartridge is 1463 LPM.
However, since this example both assumes a uniform
character array and is based on double-spacing rather
than single-spacing, it is clearly inapplicable.

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The print speed of the Univac 0770-04 varies in
relation to the mix of symbols, that is, it depends
upon what is being printed. The solicitation does not
specify how print speeds are to be measured to determine
whether a particular printer qualifies for the evalua-
tion bonus. The protester asserts that the print speed
of the Univac 0770-04 should be determined by the speed
at which the printer prints alphabetics. The protester
appears to argue that it is the standard in the data
processing industry to judge print speeds by material
containing only alphabetics. It cites as an example of
such practice the Sperry-Univac Programmer Reference
Manual.

We agree that in the trade "minimum" print speeds
may refer to alphabetic speeds. While the solicitation
required a minimum rate of 1250 LPM when printing 132
characters to a line, an evaluation bonus factor was to
apply if the equipment was capable of 160 characters
per line or 2000 LPM. The latter capability was described
as a more desirable print speed. In the absence of defin-
itive criteria in the solicitation as to how that speed
could be achieved for purposes of applying the bonus, the
agency now justifies the application of the bonus to
Univac's proposal by testing the equipment against a
particular mix of symbols representative of its actual
requirements. In determining this average mix, Census
reviewed several days of printing matter to determine
the characteristics normally used. It determined that
the printing consisted of numerics, alphabetics and
special characters in a ratio of 50:10:1. Census next
determined that when the printer offered by Sperry-Univac
is printing characters in this proportion, it prints at
a speed in excess of 2000 LPM and thus qualifies for the
evaluation bonus for that feature. The agency thus has
interpreted the bonus provision in accordance with its
actual printing needs. We believe such an interpretation
is reasonable in the context of applying the evaluation
bonus, although we believe it should have been explained
in the solicitation.

While the solicitation was not clear as to how the
evaluation bonus could be earned, the rule is settled
that an ambiguity in the solicitation does not preclude

a valid award unless it can also be shown that the unsuc-
cessful bidder was prejudiced by the ambiguity. 43 Comp.
Gen. 23 (1963). In the present case, the protester has
not argued that it was prejudiced because it refrained
from offering a printer which could have met the agency's
less restrictive interpretation of the bonus provision.
Absent timely proof of such a prejudicial effect on the
protester, interference with the award would not be
appropriate in this case.

However, we believe that it is not conducive to sound
procurement practice to require an offeror to divine the
Government's actual needs in order to determine whether
it can qualify for an evaluation bonus. Consequently,
we are recommending in a separate letter to Commerce that
future solicitations provide sufficient information to
offerors to explain fully the applicability of evaluation
criteria.

Deputy Comptroller General
of the United States

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

B-188773

JUL 28 1977

The Honorable Juanita M. Kreps
The Secretary of Commerce

Dear Madame Secretary:

Enclosed is a copy of our decision of today concerning the protest of Data 100 Corporation against the award of a contract to Sperry-Univac under request for proposals No. 6-35040.

Your attention is invited to our recommendation that solicitations specifically tell offerors how they may earn evaluation credits. Please advise us of your action implementing the recommendation.

Sincerely yours,

R.F. KELLER

Deputy Comptroller General
of the United States

Enclosure

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