

**DECISION**



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

9463

FILE: B-193294

DATE: March 19, 1979

MATTER OF: Amperif Corporation

DLG 01221

DIGEST:

*[Protest of Determination that Proposals were technically Unacceptable]*

1. Protest, alleging that RFP required unnecessary delineation of technical features in brand name or equal procurement because plug-to-plug compatibility was required, is untimely where not filed prior to closing date for receipt of initial proposals under 4 C.F.R. § 20.2 (b)(1) (1978).
2. Determination to exclude proposals from competitive range because of technical deficiencies was not unreasonable or arbitrary and, therefore, not objectionable by GAO.
3. There is no requirement that offerors be afforded opportunity for oral presentation of proposals where written discussions, which pointed out deficiencies and offered an opportunity to submit revised proposals, are found to constitute meaningful negotiations.

Amperif Corporation (Amperif) protests the determination that its primary and alternate proposals under request for proposals (RFP) No. 7PF-51848-8P-7FP were technically unacceptable.

The RFP, issued by the General Services Administration (GSA), requested offers for a plug-to-plug compatible disk subsystem to be used on a UNIVAC 1108 computer system with performance characteristics equal to the UNIVAC 8434/5046 disk subsystem.

Initially, Amperif argues that the RFP is defective because it is unnecessary to delineate technical features of a system in a brand name or equal procurement when

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it is required to be plug-to-plug compatible with an existing system. The use of the term plug-to-plug compatible would clearly establish all technical requirements.

This basis of protest is untimely filed under our Bid Protest Procedures (4 C.F.R. part 20 (1978)). Section 20.2(b)(1) requires protests based on alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals to be filed prior to the closing date. Since the closing date for receipt of initial proposals was August 30, 1978, and Amperif's protest was not filed with our Office until October 24, 1978, this ground of protest is not for consideration.

Regarding the rejection of its proposals, Amperif alleges that it was denied the opportunity to compete because of a vague mailgram sent on October 18, 1978, that its proposals did not meet the requirements of the RFP and that it was denied the opportunity to make an oral presentation.

It appears from the record that on October 5, 1978, GSA advised Amperif of the deficiencies GSA had found in the proposals and requested revisions by October 16, 1978. These deficiencies included failure to provide a detailed description of how compliance with the mandatory requirements would be achieved, offering different performance periods and levels than those listed in the RFP and failing to supply certain publications and documentation required.

Following evaluation of Amperif's revised proposal, it was determined the deficiencies had not been corrected and by mailgram of October 18, 1978, GSA advised Amperif that technically its proposal was not within the competitive range.

It is not the function of our Office to evaluate proposals and, therefore, determinations by procuring agencies regarding the technical merits of proposals and whether a proposal should be included in the competitive range will not be disturbed absent a clear showing that the determination was arbitrary or unreasonable. Advanced Design Corporation, B-191762,

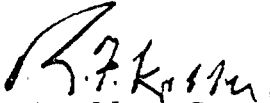
August 10, 1978, 78-2 CPD 111. While Amperif expresses disagreement with the technical evaluation of its proposals, it has not provided any evidence to support this disagreement.

Based upon our review of the record, we cannot say that the finding of technical unacceptability concerning the Amperif proposals was unreasonable, nor do we view the October 18, 1978, mailgram as vague in light of the prior October 5, 1978, communication from GSA concerning the deficiencies.

Concerning the allegation that Amperif was not given the opportunity to make an oral presentation, the RFP stated only that oral presentations may be required. We have held that there is no mandatory requirement for "face-to-face" discussions regarding an offeror's proposal in order to have meaningful discussions. Gulton Industries, Incorporated, B-180734, May 31, 1974, 74-1 CPD 293. Here, no offeror made an oral presentation and we find that the written discussions, which pointed out the deficiencies in the proposals and offered the opportunity to submit revised proposals, were meaningful.

Finally, Amperif questions the past performance and financial condition of the awardee chosen by GSA. These allegations relate to the offeror's responsibility and our Office does not review affirmative determinations of responsibility except in circumstances not relevant here. Ammark Corporation, B-192052, December 21, 1978, 78-2 CPD 428.

Accordingly, the protest is denied.

  
Deputy Comptroller General  
of the United States