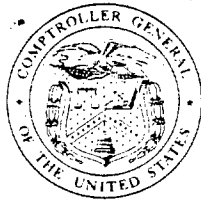


DECISION



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

10, 301

FILE: B-193467

DATE: June 5, 1979

MATTER OF: Galileo Corporation of America

[Protest of Agency Finding that Bid Was Technically Unacceptable and Nonresponsive]

DIGEST:

Bid to furnish stereoplotters and related equipment was improperly rejected, where equipment offered met technical specifications as written. If integral hand-operated z-axis control was needed, procuring activity should have revised specification and resolicited requirement.

DLG 01717

Galileo Corporation of America protests the rejection of its bid for stereoplotters and related equipment under invitation for bids (IFB) R4-78-92, issued by the U.S. Department of Agriculture Forest Service. Galileo maintains that its product satisfies the IFB's technical specifications and that the Forest Service erred in finding its bid technically unacceptable and nonresponsive for offering equipment with a foot controlled z-axis function. This decision sustains the protest.

AGC 00039

A stereoplotter is a photogrammetric instrument used to transfer details of aerial photographs to maps. It is used to plot terrain features represented three dimensionally as x, y, and z coordinates. By convention the z coordinate refers to elevation. Plotting is performed by superimposing two views of the same terrain stereoscopically. The optical system is moved across the photographic image in the horizontal plane (x and y-axes), and a point defined by a "floating dot" or by "floating marks" is brought into focus to establish how high the terrain is along the vertical (z) axis. Alternatively, an elevation can be set, and lines of constant height traced by moving the floating marks along lines which remain in focus. In either case, fusion of the stereoscopic images gives the mark an illusion of "floating" in three-dimensional space. The protest concerns the instrument's controls as required by the IFB.

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Galileo says that it interpreted the IFB to require a stereoplotter having free-hand control of the x and y axes, but allowing hand or foot control for the z-axis. The protester compares stereoplotter specifications contained in other Government solicitations with the Forest Service's language. In this regard, Galileo cites IFB paragraph 210-3 entitled "Measuring System", which called for "free hand movement of the floating marks." Galileo asserts that this language is consistent with industry usage and refers only to that portion of the mechanism which controls x and y (horizontal) motion. Moreover, IFB Paragraph 210-8 required only that z-axis (elevation) be read by "convenient means," and that z motion control be "readily accessible to the operator", which in Galileo's view, further supports its argument.

The Forest Service argues that its construction of the language in the IFB also is supported by industry practice. In its view:

"In a production mode, the operator must be able to rapidly and efficiently change the x, y and z readings between each point. For this reason we specified the 'free hand movement of the floating marks.' This terminology is used in industry publications to refer to 'free-hand' movement of the floating marks in all three dimensions [x, y, and z], unless otherwise stated."

We disagree.

"Free-hand" is defined as "done without mechanical aids or devices." Webster's New Collegiate Dictionary, 458 (G. & C. Merriam Co., 1975). This is consistent with our understanding that the term "free-hand movement" is used in photogrammetric circles in referring to unassisted freedom of motion in the x, y plane, a usage dating from the practice with anaglyphic plotters where a platen was slid across a flat stone surface. Cf. 2 Manual of Photogrammetry, 561 (American Society of Photogrammetry, 1966).

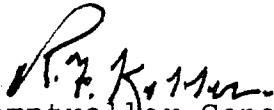
In this context "freehand motion of the floating marks" reasonably implies that motion in the x, y plane should be able to be controlled directly, without mechanical linkage. The Forest Service, however, did not construe the solicitation to require free-hand z-axis control. The equipment proposed by the successful awardee features a z-axis controlled through use of a gear and vertical screw arrangement driven by a knurled knob located on the sliding or "free-hand" (x,y-axes) assembly. The protester could have offered a hand operated z-axis system, had it known that such a system was needed. The protester states that it could have done so at lower cost than the successful bidder.

To prevail, we believe, the Forest Service would have to establish that its requirement for free-hand motion of the floating marks is understood in the trade as implying that the z-axis control was to be located on the free-hand assembly, precluding systems using foot operated controls. It would have to overcome the legal implication of its plain statement in the specification that z-axis motion was only to be "readily accessible." This is not established by producing excerpts from literature describing equipment which incorporates a z-axis control in the free-hand mechanism. Moreover, portions of the documentation which the Forest Service submitted tend to support Galileo's view that motion in the x, y plane would be understood as functionally distinct from z-axis motion. Describing one instrument, the materials state that "[m]otion in z is effected by the foot disk or, after electrical switching over, by the right handwheel * * *," and elsewhere, that "[c]oordinate motion is effected by a free-hand guide -- separate for x and y -- or by handwheels * * *."

We conclude that the control requirement in the specification does not preclude proposals of a foot operated z-axis control which was readily accessible to the operator. See 48 Comp. Gen. 757, 760 (1969), citing Dittmore-Freimuth Corp. v. United States, 182 Ct. Cl. 507, 390 F. 2d 664 (1968). While the Forest Service may have intended to solicit a stereoplottter with an integral hand operated z-axis control, it did not set forth this requirement in the IFB. Because award

should not ^{have been} be made under a solicitation which ^{did} does not adequately reflect the procuring activity's actual requirements, the Forest Service ^{Secretary} should have canceled the original solicitation, clarified its specifications, and resolicited. See, e.g., Dominion Engineering Works, Ltd., et al., B-186543, October 8, 1976, 76-2 CPD 324.

Remedial corrective action is precluded in this instance because the contract was performed shortly after award when the equipment ordered was delivered. However, we are by separate letter today advising the Secretary of Agriculture of our recommendation that the Forest Service take appropriate steps to assure that the deficiency disclosed here does not recur in future Forest Service procurements for similar equipment.


Deputy Comptroller General
of the United States