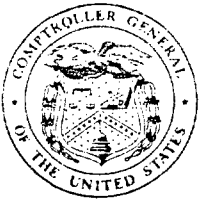


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DECISION



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

FILE: B-195962

p. 3218

DATE: December 6, 1979

MATTER OF: Davlynne, Inc. - Reconsideration

DIGEST:

Prior decision which held that protest against use of qualified products list (QPL) and rejection of bid was without merit is affirmed where request for reconsideration does not show that prior decision was based on errors of fact or law.

2 Davlynne, Inc. (Davlynne), requests reconsideration of our decision in Davlynne, Inc., B-195962, October 31, 1979, 79-2 CPD 311, which dismissed in part and summarily denied in part its protest under invitation for bids (IFB) 8FCB-V2-50056 issued by the General Services Administration (GSA). *17*

3 The IFB requested bids for welding safety equipment and required that all equipment offered be qualified products. However, the equipment that Davlynne proposed to supply was not on the appropriate qualified products list (QPL) nor had the equipment ever been presented for testing so that it could be placed on that QPL. Consequently, the Davlynne bid was rejected as nonresponsive. In its protest to our Office, Davlynne argued that its bid should not have been rejected because, even though its equipment was not listed on the appropriate QPL, it nevertheless met what Davlynne considered the more stringent standard of the American National Standards Institute (ANSI) specification. *D 2915*

In our decision, we held that if Davlynne was protesting the use of a QPL in this particular solicitation, its protest was untimely. Further, we held that if Davlynne was arguing that the QPL requirement should be waived because its equipment

[Protest Involving Bid REjection]

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met an allegedly more stringent standard than its bid was properly rejected since a QPL requirement is a material requirement of the IFB which cannot be waived after bids have been opened.

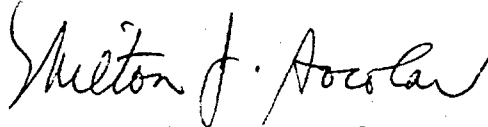
Under our Bid Protest Procedures, requests for reconsideration must "contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered." See 4 C.F.R. § 20.9 (1979). In its request, Davlyne argues that the Government should review its QPL policy and either bring the QPL specifications up to the requirements of ANSI or drop them entirely. In support of this argument, Davlyne claims that if it had been awarded a contract for the items it was low bidder on which met the ANSI specification but not the QPL requirement, the Government would have realized a savings of \$11,379.45.

However, we have held that the importance of maintaining the integrity of the competitive bidding system outweighs the possibility that the Government might realize a monetary savings should it allow a material deficiency in a particular procurement to be corrected or waived. See, e.g., Scott-Griffin, Incorporated, B-193053, February 9, 1979, 79-1 CPD 93. In our prior decision, we pointed out that Davlyne's failure to offer a qualified product was a material deficiency that could not be waived after bid opening. In light of this and the rule stated above, we do not believe that the potential savings Davlyne predicts is a basis for us to alter our earlier decision.

Davlyne also indicates a general disagreement with the use of a QPL for either this or similar procurements. It seems to believe that GSA should rely on the ANSI specifications rather than develop

its own QPL's. However, mere disagreement over the general usefulness of QPL's is not a basis to question the manner in which this particular procurement was conducted. Davlynnne has not shown that the utilization of a QPL in this procurement was in any way improper or that the rejection of its bid was incorrect. Therefore, we believe that Davlynnne has failed to demonstrate any errors of fact or law in our prior decision which would require us to modify or reverse that decision.

Accordingly, the decision is affirmed.



For the Comptroller General
of the United States