

# DECISION



12400  
PL-1  
Mr. Boyle

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

FILE: B-194975

DATE: December 31, 1979

MATTER OF: / Sperry Rand Corporation p.1826

## DIGEST:

Protester contends that agency waived mandatory RFP requirement for "equipment currently operating in production environment" since awardee proposed 8460 mode but operating equipment used FASTRAND II mode. Agency used protester's diagnostic software in test and concluded that FASTRAND II emulated 8460 mode. Protest is denied since protester has not met burden of showing by clear and convincing evidence that agency abused its discretion in evaluation of awardee's proposal and since record tends to support conclusion that FASTRAND II and 8460 modes are functionally equivalent.

Sperry Univac (Federal Systems) Division of Sperry  
2 Rand Corporation (Univac) protests the award of a con- D1435  
tract to Amperif Corporation by the Navy under request 1221  
3 for proposals (RFP) No. N00123-79-R-0075 for dual channel  
4 disc storage subsystems to be added to an existing Univac 1  
1100/42 system to increase on-line disc capacity.

The RFP specified that the disc storage subsystems were to be "completely plug and program compatible with the Univac 1110 ADP system currently installed." Hardware must connect to the Univac input/output access unit and software must be completely program compatible with the software utilized on the Univac 1110. Subsystems were to be acquired which would operate as (emulate) a Univac 8400 dual channel disc storage subsystem, without hardware or software modification to the installed Univac 1110 system.

The focus of the protest is on the language of section F.2 of the RFP, which provided:

"EQUIPMENT AVAILABILITY AND DELIVERY.  
All equipment proposed \* \* \* must be

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operational equipment currently installed and operating in a production environment on a UNIVAC 1100 series ADP system, using Level 33 of the UNIVAC 1100 Executive Operating System (EXEC). In addition, the equipment must be operating under the UNIVAC 8400 series disc storage subsystem emulation mode proposed. \* \* \*

Univac contends that no Amperif equipment has ever been installed or operated in a production mode on a Univac 1100 series system under any Univac 8400 series disc storage subsystem emulation mode. Univac understands that there was an Amperif disc subsystem installed and operating with the Univac 1100/42 system; however, the Amperif disc subsystem operated in a FASTRAND II emulation mode and not in a Univac 8400 emulation mode as specifically required by the RFP. Therefore, Amperif could not meet the mandatory RFP requirement.

Next, Univac refers to section "D" of the RFP, which reads as follows:

"6. Technical Acceptability. Technical acceptability of any system proposed will be determined by verification of the requirement in Paragraph F.2 of Section F herein, and by vendor performance of an Operational Capability Demonstration. This Demonstration must show that the equipment and software proposed can perform all the mandatory requirements specified herein and included in the proposal." (Emphasis added by Univac.)

Univac believes that it was impossible to verify that the system proposed by Amperif complied with paragraph F.2 and that no operational capability demonstration was performed using such system. Consequently, the award to Amperif was improper and an abuse of discretion.

After protesting here, Univac states that a Univac employee, working at the site as project leader

under another contract, learned that the Amperif disc controller accepted by the Navy as meeting the operational requirement of the RFP was replaced because the controller would not work with the discs in the 8460 mode. Univac argues that the required replacement confirms its belief that the equipment involved in the test installation was operating in the FASTRAND II mode not the Univac 8400 emulation mode specified.

The Navy reports that section F.2 established two distinct factors. First, the proposed equipment had to be operational equipment currently installed and operating on a Univac 1100 series system. Amperif clearly complied with this provision since an Amperif disc storage subsystem identical to that offered had operated with a Univac 1110 ADP system in a production environment for over 1 year on a test basis.

Second, section F.2 required that the equipment had to be operating under the Univac 8400 series disc storage subsystem emulation mode proposed, which Amperif stated to be the 8460 emulation mode. The Navy explains that the FASTRAND II emulation mode is basically a program to perform the input/output functions necessary to operate a storage device. Univac's FASTRAND is compatible with Univac 8460 disc subsystems. The Navy reports that when the Amperif disc subsystem was initially installed, it, using diagnostic software developed by Univac, validated that the equipment emulated a Univac 8460 by testing each disc drive; these tests assured that the Amperif subsystem would perform the functions of a Univac 8460 without modification of the Univac 1110 hardware or software. At that time, however, the Navy's primary need was to acquire faster mass storage to improve performance, so the system was configured to satisfy that need by operating in the FASTRAND II rather than the 8460 emulation mode.

The Navy concludes that given the basic requirement for program compatibility, and the fact that section F.2 was designed to validate this compatibility, it is clear that Amperif's subsystems were in compliance with the RFP, since the operation in the FASTRAND II mode demonstrated the program compatibility.

Moreover, the Navy contends that the second sentence of section F.2 did not require that the equipment offered must be operating in a production environment but in the emulation mode proposed. In the Navy's view, the successful demonstration of the Amperif equipment upon initial test installation and the performance of the equipment under this contract clearly show that maximum storage capacity would be simple to achieve at any time, constituting compliance with the second sentence of F.2; to go through this procedure would have been a meaningless exercise. It is the Navy's position that since the Amperif equipment was operating under the FASTRAND mode, it was in fact emulating the 8460 mode.

In response to Univac's second basis of protest, the Navy, in light of its experience with the equipment, saw no reason to subject the Navy and Amperif to the expense involved in a demonstration and there is no showing that Univac was prejudiced by the failure to conduct the demonstration.

Finally, the Navy reports that Univac's contention--that Amperif had to replace the controller because it did not function in an 8460 emulation mode--is factually inaccurate. The controllers furnished are electronically identical to the tested controller and the equipment provided by Amperif has been fully operational and has met all requirements of the specifications.

In reply, Univac argues that the Navy's admission--that the tested Amperif system was not operating under the emulation mode proposed--proves its case. Univac points out that basic FASTRAND is compatible with either the FASTRAND II or 8460 emulation modes; however, basic FASTRAND will not permit utilization of the full storage capacity of an 8460 disc subsystem and only the enhanced FASTRAND performs the functions necessary for full utilization of the 8460 storage capacity. Univac states that enhanced FASTRAND is generated for either FASTRAND II or 8460, not both. Univac also believes that the Amperif controller had to be substantially modified to operate in 8460 emulation mode whereby the full required storage capacity could be used.

In sum, Univac concludes that at the time of contract award, the Amperif system had never operated

in a production environment under the Univac 8400 series disc storage subsystem emulation mode proposed as required.

Amperif comments that (1) the 8460 mode was designed as a "plug and program compatible replacement" for Univac FASTRAND II, (2) Univac's own literature mentions 8460/FASTRAND II compatibility, and (3) operating the Amperif equipment as a FASTRAND II is the same thing as operating the basic 8460 mode. Amperif also notes that its equipment was operated in a special 8460 mode to afford increased storage capacity.

Since the Navy tested and operated the Amperif equipment in the FASTRAND II mode and since the RFP required and Amperif proposed the 8460 mode, to prevail, Univac must show that the FASTRAND II and 8460 modes are not functionally equivalent. In our view, Univac has not met its burden of proof and, in fact, the record tends to support the conclusion that FASTRAND II and 8460 are functionally equivalent.

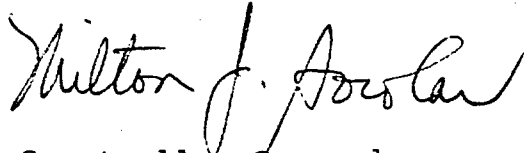
The record shows that the Navy thoroughly checked all Amperif equipment during the year-long test period; that the equipment operated in a production environment on a Univac 1100 series system, as specified in the RFP; and that the Navy expressly determined, using Univac diagnostic software, that the tested Amperif equipment emulated the 8460 mode.

If the determination that the Amperif equipment proposed was functionally identical to the tested and approved Amperif equipment, then the award decision was reasonably based and our Office will not question it. As mentioned, the record provides no basis to question the award decision. The fact that a controller may or may not require replacement after award has no bearing on the reasonableness of the award determination.

Finally, since we will not question the Navy approval of the proposed Amperif system, we have no basis to oppose the Navy's waiver of the verification test mentioned in the RFP. Clearly the earlier test

served that purpose, and no prejudice to Univac is evident. See Sperry Rand Corporation, 56 Comp. Gen. 312 (1977), 77-1 CPD 77.

Protest denied.

A handwritten signature in cursive script, reading "Milton J. Aroskar". The signature is written in dark ink and is positioned above the typed name.

For The Comptroller General  
of the United States