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DECISION



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

FILE: B-206193.2

DATE: March 2, 1982

MATTER OF: Welch Allyn

DIGEST:

1. Bid which does not take exception to solicitation may not be rejected as nonresponsive merely because of protester's belief that equipment which the bidder intends to supply does not meet the specifications.
2. Whether an awardee fulfills its contractual obligation to provide equipment that complies with specifications is a matter of contract administration and does not affect the validity of an award.

Welch Allyn protests the intended award of a contract to Aesculap, Inc. (Aesculap), the low bidder, under solicitation No. 120-82-R-0855, issued by the Defense Logistics Agency, for certain otoscope and ophthalmoscope sets. Welch Allyn has purchased a set which it believes Aesculap intends to supply under the contract and, following Welch Allyn's examination, does not believe the set conforms to the specifications.

Welch Allyn indicates that it is supporting the protest filed by Propper Manufacturing Company, Inc. (Propper), under the same solicitation. However, we already have dismissed that protest. Propper Manufacturing Company, Inc., B-206193, February 3, 1982, 82-1 CPD. To the extent that Welch Allyn is independently protesting the intended award, we deny the protest in part and dismiss the protest in part.

A bid is "responsive" if, as submitted, it is an offer to perform the exact thing called for in the solicitation, without exception. Here, since there is no allegation or suggestion that Aesculap took any exception to the solicitation requirements, we have no basis

for viewing the bid as nonresponsive. Propper Manufacturing Company Inc., supra.

To the extent that Welch Allyn is protesting that Aesculap will not fulfill its contractual obligation to furnish sets that comply with the specifications, this is a matter of contract administration which does not relate to the propriety of the award. Contract administration is the function and responsibility of the procuring activity and our Office does not resolve such matters under our Bid Protest Procedures. Schmidt Engineering & Equipment Co., Ltd., B-198542, February 19, 1981, 81-1 CPD 108.

We deny the protest in part and dismiss the protest in part.

for Milton J. Fowler
Comptroller General
of the United States