

DECISION



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

FILE: B-207312

DATE: August 9, 1982

MATTER OF: Digital Equipment Corporation

DIGEST: ..

Procuring agency properly excluded the protester's proposal from the competitive range because the protester stated that its proposed equipment could not satisfy a clearly disclosed mandatory requirement.

Digital Equipment Corporation (Digital) protests the determination made by the Army to exclude Digital from the competitive range in connection with request for proposals (RFP) No. MDA903-82-R-0021 issued by the Army for word processing systems and related items. The Army reports that Digital did not offer to meet specific mandatory requirements. Digital contends that the Army inaccurately evaluated Digital's proposal and that Digital could have eliminated minor deficiencies during discussions, which would have resulted in substantial savings for the Army. We find that the protest is without merit.

The RFP sought word processing equipment, maintenance, training, and start-up supplies for use in the continental United States and Hawaii, Alaska, and Panama. The RFP stated that proposed equipment must meet the mandatory requirements outlined in the RFP, which addressed maintenance, environment (where the equipment would be used), and system availability. Digital's offer--one of the 12 timely offers received by the Army--was evaluated by the Army's technical evaluation team. Based on that evaluation, the contracting officer determined that Digital was not proposing to satisfy the Army's mandatory requirements regarding maintenance, environment, training, and system availability. For example, Digital's proposal stated that Digital cannot guarantee system availability in Alaska and Panama. Thus, the contracting officer concluded that Digital did not have

a reasonable chance of being the successful offeror and excluded Digital's proposal from the competitive range.

Digital contends that the Army's evaluated deficiencies in its proposal could easily be remedied with regard to maintenance, environment, and training, thereby saving the Army substantially compared with the proposed price of the successful offeror. However, we note that Digital does not state that it could satisfy the Army's requirement for system availability in Alaska and Panama.

In deciding protests against an agency's determination to exclude a proposal from the competitive range, we recognize that such a determination is primarily a matter of administrative discretion, which we will not question when the agency has a reasonable basis. See, e.g., Decilog, B-198614, September 3, 1980, 80-2 CPD 169; P & L Investment Corporation, B-202360, June 30, 1981, 81-1 CPD 543. Here, there is no dispute by Digital that it did not intend to satisfy the RFP's mandatory system availability requirement in Alaska and Panama. Since Digital could not satisfy this clearly disclosed mandatory requirement, we conclude that the Army had a reasonable basis to exclude Digital's proposal from the competitive range. In our view, in essence, the Army properly determined that Digital's exception to the mandatory system availability requirement required Digital's proposal technically unacceptable.

In view of our conclusion, there is no need to consider the other aspects of Digital's protest.

Protest denied.

Milton J. Arslan
for Comptroller General
of the United States