

DECISION

Richard Langley
119433 /

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

FILE: B-205109

DATE: September 14, 1982

MATTER OF: Lanier Business Products

DIGEST:

It is improper to reject a quote for equipment which does not have certain desired technical features when those features are not included in the solicitation and quoter is not provided an opportunity to offer equipment with those features.

Lanier Business Products protests the Veterans Administration's (VA) award of a contract for dictation equipment to Dictaphone Corporation under request for quotations (RFQ) number 217 issued by the VA Medical Center in San Juan, Puerto Rico. Lanier contends that it should receive the award as the lowest responsive quoter. We sustain the protest.

The RFQ incorporated a general VA specification for central dictation equipment, modified slightly to meet the particular facility's needs; it indicated that life cycle costing would be used to determine the lowest acceptable offer; and it specified that the dictation system must be compatible with the VA-owned internal telephone system.

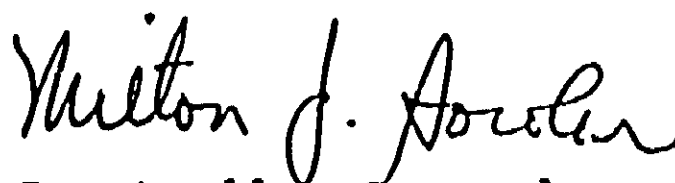
The VA reports that the main reasons for its rejection of the offered Lanier system was the lack of a backup battery power supply capability (a feature apparently available in the Dictaphone system) and the alleged inability of the VA physicians to continue dictating with the Lanier system if the computer that controls the system is down for any reason. According to the VA, the Dictaphone system, because of its design, permits continued use of the system without the computer. According to Lanier, however, the computer in its system can be placed off-line without affecting a user's ability to dictate.

We do not find it necessary to resolve these factual issues because our review of the RFQ plainly shows that the features upon which the VA based its award determination were not part of the RFQ's listed requirements.

The touchstone of Federal procurement is that goods and services will be obtained in such a way as to promote full and free competition for the award of contracts consistent with the nature of the goods being procured. Where competition is feasible, competing offerors should be treated in a fair and impartial manner. See Fiber Materials, Inc., 57 Comp. Gen. 527 (1978), 78-1 CPD 422. Thus, it is essential that solicitations be drafted in such a manner as to inform the offerors what will be required of them under the contract so that they can compete on an equal basis. This standard is simply not met if an offer is rejected for the failure to meet a requirement that is not stated in the solicitation. See Norfolk Conveyor Division of James B. Webb Company; E.C. Campbell, Inc., B-190433, July 7, 1978, 78-2 CPD 16. If the VA concluded that these features were desired or were essential to its needs, it should have amended the RFQ so that all quoters could compete on an equal basis. As this was not done, and Lanier was not provided an opportunity to meet VA's actual needs, effective competition was not attained and the award was improper.

Since the Dictaphone equipment was delivered and installed several months ago, there is no effective relief that we can now recommend. We are, however, advising the Administrator of Veterans Affairs of our views.

The protest is sustained.

for 
Comptroller General
of the United States