



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kardex Systems, Inc.
File: B-225616
Date: March 12, 1987

DIGEST

Issuance of a delivery order to Federal Supply Schedule contractor who responded to request for quotations (RFQ) by proposing a system which did not meet literally one of the RFQ's requirements is not objectionable where contractor's system was functionally equivalent to system specified and satisfied the government's minimum needs.

DECISION

Kardex Systems, Inc. protests the Air Force's issuance of a delivery order to White Machine Company under request for quotations (RFQ) No. F41800-86-Q-0351, for seven power files. Kardex contends that White's files did not meet one of the requirements listed in the RFQ. We deny the protest.

Since the power files are a mandatory Federal Supply Schedule (FSS) item, the Air Force solicited quotations from FSS contract holders. White submitted the lowest of the three quotations received; Kardex's quotation was second low.

The RFQ asked for quotations on "Power files, Kardex P/N 7560110A, or equal," and listed 12 required characteristics, one of which was an electronic digital read-out keypad. The power files proposed by White had a single touch electronic membrane switch keypad rather than an electronic digital read-out keypad.

Kardex contends that White's membrane switch keypad is not equivalent to its digital read-out keypad and that by placing an order with White, the Air Force accepted a lesser product than that specified in the RFQ. Kardex argues that the order should have been placed with it since it was the only vendor whose files satisfied all of the solicitation requirements. If the Air Force's minimum needs had changed, the protester asserts, it should have been given an opportunity to amend its quotation.

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The Air Force disputes the protester's characterization of White's membrane switch keypad. The contracting officer determined that White's membrane switch keypad was the functional equivalent of Kardex's digital read-out keypad. In the agency's view, both Kardex's digital read-out keypad and White's membrane switch keypad satisfied the Air Force's minimum needs.

When vendors respond to a formal solicitation, they must offer what is specified in the solicitation. Thus, when a request for proposals or an invitation for bids is issued, vendors are required to respond with offers that comply with all material provisions of the solicitation. An offeror's failure to comply with all such provisions renders the bid nonresponsive or the proposal unacceptable. When quotations are solicited from FSS vendors, however, the situation is not the same. The quotations are not offers that can be accepted by the government; rather, they are informational responses, indicating the equipment the vendors would propose to meet the agency's requirements and the price of that equipment and related services, that the government may use as the basis for issuing a delivery order to an FSS contractor. There is, therefore, no requirement that the quotation comply precisely with the terms of an RFQ, since the quotation is not subject to government acceptance. Spacesaver, B-224339, Aug. 22, 1986, 86-2 CPD ¶ 219.

Here, White responded to the RFQ by proposing units containing its membrane switch keypad, which was determined to be the functional equivalent of the Kardex digital read-out keypad. The Air Force concluded that the White unit incorporating this feature satisfied its minimum needs at a lower price than the files proposed by Kardex. Once the Air Force concluded that White's lower cost item met its needs, it was required to place the order with White. See Federal Acquisition Regulation (FAR), 48 C.F.R. § 8.405-1 (1986). The fact that White quoted on power files which included a keypad that differed from the keypad specified in the RFQ did not preclude award since, as indicated, the RFQ responses were merely informational in nature, and the legal basis for issuance of the delivery order was White's FSS contract, not the RFQ or White's RFQ response. Spacesaver, B-224339, supra.

The protest is denied.


for Harry R. Van Cleve
General Counsel