



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Racal-Milgo
File: B-225681
Date: May 5, 1987

DIGEST

1. An announcement in the Commerce Business Daily of plans to procure an item under a nonmandatory automatic data processing schedule contract is a device to test the market to determine whether the government's needs will be met at the lowest overall cost by procuring from the schedule. The announcement must make the government's needs sufficiently clear to assure that vendors will propose available alternatives, but it need not describe evaluation factors in the detail required in a solicitation. --

2. Agency's rejection of protester's automatic data processing equipment proposed as equivalent to that described in a Commerce Business Daily announcement of intent to acquire equipment from another vendor under a nonmandatory automatic data processing schedule contract is proper, where the protester's equipment is not capable of performing all of the functions necessary to met the agency's needs.

DECISION

Racal-Milgo protests the decision by the Ogden Air Logistics Center, Hill Air Force Base, Utah, to order statistical multiplexors, Codex model 60520, from Data Communications Systems Corporation under its nonmandatory automatic data processing (ADP) schedule contract with the General Services Administration (GSA), No. GS00K85AGS5169. Racal-Milgo contends that because it offered lower-cost equipment conforming to the requirements stated in the agency's Commerce Business Daily (CBD) announcement of the planned procurement, it should have received the award.

We deny the protest.

On April 15, 1986, the Air Force announced in the CBD its intent to procure 100 Codex Corporation model 60520 statistical multiplexors or an "equal" item for use in managing the flow of data among various types of ADP equipment. The

announcement stated that in the absence of a better offer, the Air Force would order the Codex multiplexor from USL Data Systems under its GSA schedule contract. Racal-Milgo replied to the CBD notice by proposing its Omnimax model 162 and furnishing literature describing features of that model. The Air force then sent an abbreviated price quotation form, denominated an "IFB," to those firms that responded to the CBD notice and to other sources. The form requested the name of the vendor, the multiplexor part number and manufacturer, and the price.

Thirteen vendors provided quotations, including Racal-Milgo, which offered the lowest unit price, \$2310.50. An Air Force technical specialist reviewed Racal-Milgo's descriptive literature and concluded that the Omnimax 162 was not capable of satisfying the Air Force's requirement for support of an agency-wide communications procedure or "protocol" known as Uniscope. The specialist also determined that the Omnimax 162 could not meet the Air Force's requirement for bisynchronous operation and still provide the 16 channels specified in the CBD announcement. The Air Force awarded the order to Data Communications Systems Corporation, the vendor proposing the second-lowest unit price, \$2,577, under that firm's GSA schedule contract for the Codex model 60520. By letter dated January 14, 1987, the Air Force notified Racal-Milgo of the award, and the firm protested to our Office on January 30. The Air Force advises that the equipment has been delivered, accepted, and installed.

Racal-Milgo contends that the Air Force improperly evaluated its proposal against capabilities of the brand name model that were not listed in the CBD notice or the price quotation form, as required by the regulations applicable to sealed bid procurements. The protester argues that its multiplexor met the announced requirements and that it should have received the award as lowest offeror.

As provided in the Federal Information Resources Management Regulation (FIRMR), the CBD synopsis that precedes placing an order under an ADP schedule contract is not a formal solicitation document. It is a device to test the ADP market to determine whether there are non-schedule vendors interested in competing for the requirement at prices that would make competition practicable. If evaluation of the responses indicates that a competitive acquisition would be more advantageous to the government than purchases from the schedule, an agency normally would issue a formal solicitation and invite all vendors, including schedule vendors, to compete. See FIRMR, 41 C.F.R. §§ 201-32.206(f)(2)(iv), (q) (1986); International Systems Marketing, Inc., B-215174, Aug. 14, 1985, 85-2 CPD ¶ 166. In this instance, the Air

Force used a form to solicit specific model numbers and prices from interested vendors. See Systems Associates, Inc., 64 Comp. Gen. 485 (1985), 85-1 CPD ¶ 465 (describing a supplementary request for information used in an ADP schedule procurement). While the form was described as an "IFB," the Air Force states that this label was erroneously added by its computer system. The form clearly does not resemble an invitation for bids or a request for proposals such as would be used in a competitive procurement; we believe that it was merely a supplement to the CBD synopsis designed specifically to identify what equipment and prices were available and that no vendor should have been misled into thinking that a formal IFB was being used.

The CBD announcement required before an agency makes a purchase from a GSA schedule must include sufficient information to permit the agency to determine from the responses whether ordering from the GSA schedule or preparing a solicitation document will meet its needs at the lowest overall cost. FIRMR, 41 C.F.R. §§ 201-32.206(f)(2),(g). An agency has the duty to make its essential requirements clear to potential vendors in order to assure that available alternatives are brought to the agency's attention. Cf. Masstor Systems Corp., 64 Comp. Gen. 118 (1984), 84-2 CPD ¶ 598. However, because the CBD synopsis is used to test the market, it need not describe the evaluation factors to be used by the agency in the detail required in a solicitation. TriCom, Inc., B-220590, Jan. 15, 1986, 86-1 CPD ¶ 47. As discussed below, Racal-Milgo does not allege that if the Air Force had detailed the specific features of the Codex model required by the agency, Racal-Milgo would have proposed an acceptable product. Rather, Racal-Milgo argues in effect that the Air Force must accept its product irrespective of the agency's actual needs. We find no merit in this contention.

The protester does not challenge the Air Force's determination of its minimum needs upon which the agency rejected Racal-Milgo's multiplexor, nor does the protester suggest that it could competitively supply equipment to meet those needs. The Air Force states that Hill Air Force Base has a substantial role in an Air Force-wide program using the Uniscope protocol and, consequently, that its multiplexors must be capable of supporting that protocol. Racal-Milgo's descriptive literature in the record does not indicate that its equipment has such a capability, and the firm has not contended that it has other competitively priced multiplexors that support the Uniscope protocol. Also, the Air Force states that if its multiplexors are to serve the full spectrum of ADP equipment at Hill Air Force Base, 16 channels operating with asynchronous, synchronous, and bisynchronous protocols are required. Racal-Milgo's Omnimax

162 multiplexor does not have this capability, and while the firm's descriptive literature indicates that it may have more expensive equipment that does, Racal-Milgo did not raise this possibility in its protest.

Based on the record filed with our Office, we conclude that the protester cannot provide an item "equal" to the Codex model 60520 that meets the Air Force's needs, and that the Air Force properly did not consider Racal-Milgo's multiplexor.

We deny the protest.

for *Seymour Efron*
Harry R. Van Cleve
General Counsel