



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Astro-Med, Inc.

File: B-232131

Date: November 10, 1988

DIGEST

Allegation that awardee's equipment does not satisfy requirements of purchase description is without merit where record shows that awardee's equipment in fact satisfies the requirements.

DECISION

Astro-Med, Inc. protests the award of a contract to Western Graphtec under request for proposals (RFP) No. F42650-88-R-0201, issued by the Department of the Air Force for 16 oscillograph strip chart recorders (OSCRs), used to record flight data on a chart printout. We deny the protest.

The solicitation described the required article as "oscillograph strip chart recorder Astro-Med, Inc. P/N: MT-9500 ... brand name or equal," and included a purchase description with design requirements the proposed recorders were to meet to be deemed acceptable. Two proposals were received: Astro-Med offered its brand name model for \$285,211.20, and Western Graphtec offered its Mark 10 model as an "equal" meeting the purchase description for \$230,040. The Air Force determined in its evaluation that both models met all requirements, based on a review of the proposals, including descriptive literature, and therefore made award to Western Graphtec as the low, responsible offeror. Astro-Med filed a protest with our Office on July 29, and a stop-work order has been issued pending resolution of the protest.

Astro-Med contends that the Mark 10 does not meet several of the RFP's design requirements. We find that, for the most part, the alleged deficiencies are based on Astro-Med's unwarranted restrictive reading of the specifications. For example, Astro-Med argues that the statement under the general "Classification and Intended Use" provision of the purchase description that the OSCR "will be used to record

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dynamic test data on-line in real time during live tests" implies that the recorded information is to be visible as soon as it is printed on the chart so the user can make real time determinations. Astro-Med then concludes that the Mark 10 fails to meet this requirement since its point of writing is 10 millimeters inside the recorder and thus is obstructed from view. The Air Force explains, however, that "real time" referred only to the need for the data to be recorded instantaneously as it is received, and notes that the specification nowhere requires immediate viewing; the Air Force goes on to point out that, if there were such a requirement, Astro-Med's model also would be unacceptable since its point of writing is 3 millimeters inside the recorder. The Air Force's explanation is reasonable, and we find no basis for reading into this provision a restrictive requirement that might result in the rejection of the only two offers received.

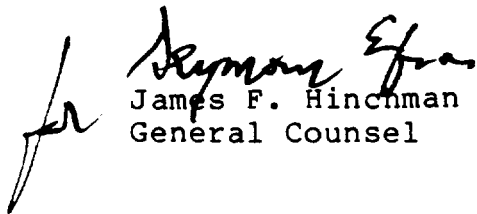
As another example, Astro-Med contends that the Mark 10 does not meet the requirement that the model be of proven design and "a current product which on the date of this solicitation has been designed, engineered and sold or is being offered for sale through advertisements or manufacturer's published catalogs." The protester claims that the Mark 10 is a brand new design which has not been in substantial production and has not been delivered to the public in substantial quantities. The Air Force responds, and again we agree, that Astro-Med is overstating the requirement. The data furnished by Western with its proposal indicate that the Mark 10 is indeed a standard, off-the-shelf item which has been on the market since 1987, and which the firm currently is offering for sale through advertisements and catalogs. There are approximately 30 units in the field currently. There is no requirement for substantial production or delivery of substantial quantities to the public. Hence, we find Western meets the requirement as stated.

Astro-Med claims that the principal deficiency of the Mark 10 is that it does not meet the channel range requirement that "the waveform . . . have the ability to exceed both edges of the grid by 4 [millimeters] to facilitate accurate baseline positioning and over range analysis." Astro-Med asserts that the waveform (i.e., the line printed on the chart as the data are recorded) produced by the Mark 10 lacks the ability to exceed both edges of the grid (i.e., the graph on the chart paper). Instead, it argues, the Mark 10 artificially "clips" or cuts off the waveform at the boundary edges on the chart. The protester claims that this deficiency makes over range analysis (i.e., analysis of the data that should print beyond the edges) impossible

because actual over range is never detected but kept artificially within the grid. Depending upon the type of data being recorded, Astro-Med argues, becoming aware of an over range condition could be critical.

The Air force reports, however, that the Mark 10 has seven interchangeable grid patterns, one of which is designed to enable the trace to exceed the edges of the gridline. Western Graphtec confirms that this is the case, and that it includes all seven grid patterns with its recorder since it is aware that some users prefer this capability. This argument therefore also is without merit.

We conclude that Astro-Med has not established that Western Graphtec's recorder does not satisfy these or any other requirements of the purchase description. Accordingly, the protest is denied.


James F. Hinchman
General Counsel