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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wytec Information Systems, Inc.

File: B-234859

Date: June 13, 1989

DIGEST

Protest that firm submitting low quotation under request for quotations (RFQ) is entitled to the award of a contract is denied where the RFQ was issued for planning purposes only, since contracting agency is not required to issue a purchase order after receiving informational quotations.

DECISION

Wytec Information Systems, Inc., protests that it is entitled to the award of a contract under request for quotations (RFQ) No. DAHA04-89-Q-6364, issued by the Fresno Air National Guard (ANG) Base for microfilming equipment. Wytec contends that it is entitled to the award of a contract because it submitted the low quotation under the RFQ.

We deny the protest.

According to ANG, the RFQ was issued for planning purposes in an effort to determine the type of microfilming system that would best suit the immediate needs of ANG's Document Control Section as well as allow an expansion of its workload. Three firms submitted quotations in response to the RFQ: Wytec, the low quoter, Sierra Micrographics and 3M Company. After reviewing the quotations received, the contracting officer decided that the system quoted by 3M would best meet ANG's needs.

The RFQ, issued on Standard Form 18, states on its face that it is "a request for information and quotations furnished are not offers This request does not commit the government . . . to procure or contract for supplies or services." Unlike bids or proposals under an invitation for bids or request for proposals, quotations submitted in response to an RFQ are not considered offers which the government can accept to form a contract. Rather, the government becomes the offeror when it issues a purchase

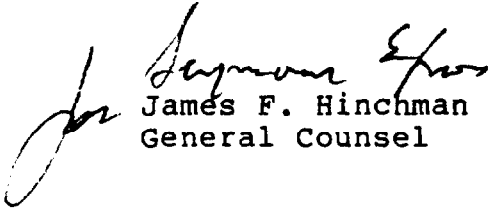
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order in response to a quotation. Federal Acquisition Regulation (FAR) § 13.108(a); ECS Metals Limited, B-229804, Feb. 10, 1988, 88-1 CPD 136.

Moreover, a contracting agency may use RFQs to obtain information when it does not intend to award a contract on the basis of the solicitation but, as here, wishes to obtain market information for planning purposes. FAR § 15.402(e). Thus, there is no requirement that the government issue a purchase order after receiving informational quotes. ECS Metals Limited, B-229804, supra. Accordingly, Wytec's argument that it was entitled to award of a contract based on its low quotation under the RFQ is without merit.

Wytec also protests the issuance of a purchase order to 3M on the ground that the equipment on which 3M based its quotation does not meet the requirements set forth in the RFQ. The agency has advised us that no purchase order has been issued, and that there is a possibility that micro-filming systems will be purchased on a consolidated basis for all ANG bases, eliminating the need for Fresno ANG Base to place its own order. Accordingly, since no purchase order has been or will be placed until the possibility of a central purchase is resolved, Wytec's challenge to an order from 3M is premature. See Sterling Supply Corp., B-224298, Jan. 6, 1987, 87-1 CPD ¶ 10.

The protest is denied.


James F. Hinchman
General Counsel