



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Dantec Electronics, Inc.

**File:** B-243580

**Date:** July 17, 1991

Rima Notarfrancesco for the protester.  
Millard F. Pippin, Department of the Air Force, for the agency.  
Linda S. Lebowitz, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### BIGGEST

Where agency in its administrative report responds in detail to issues raised by protester, and where protester in its comments to the agency's administrative report does not rebut the agency's responses, these issues are deemed abandoned.

### DECISION

Dantec Electronics, Inc. protests the rejection of its bid under invitation for bids (IFB) No. F04611-91-B-0011, issued by the Department of the Air Force for a phase doppler particle analyzer (PDPA) system. Dantec essentially challenges the agency's rejection of its bid for its failure to submit sufficient experimental data and descriptive literature.

We dismiss the protest.

The amended solicitation, issued to ten firms on March 14, 1991, required a firm's PDPA system (consisting of an optical transmitter and receiver, a signal processor, and a computer system) to be compatible for use with an existing test article chamber and interfacing laser equipment, both described in the solicitation. The solicitation further required that a firm's PDPA system be able to measure, within specified degrees of accuracy, the size and velocity of droplets under various experimental conditions as described in the solicitation. The solicitation specifically required a firm to submit with its bid experimental data and descriptive

literature sufficient for the agency to evaluate the acceptability of a firm's PDPA system, including verification of the system's performance and accuracy. The solicitation incorporated Federal Acquisition Regulation (FAR) § 52.214-21, the standard descriptive literature clause, which generally described the type of literature required to be submitted with a firm's bid and stated that the failure of the descriptive literature to show that a firm's product conformed to the requirements of the solicitation would result in rejection of the bid.

Two firms--Dantec and Aerometrics, Inc.--submitted bids by the amended bid opening date of March 22. Dantec was the apparent low bidder (\$106,000). In its bid, Dantec reiterated the solicitation's technical specifications and stated that its PDPA system had been tested and conformed to the solicitation's performance and accuracy specifications. In order for the agency to verify this claim, Dantec listed 11 scientific references, including the names of individual scientists and the titles of their respective scientific studies. According to Dantec, these scientific references contained experimental data which would validate the acceptability of its PDPA system.

On April 4, the agency rejected Dantec's bid as nonresponsive because the agency was unable to determine, based strictly on Dantec's listing of scientific references without submitting copies of the actual scientific studies or any experimental data, that its system was acceptable and conformed to the performance and accuracy specifications as described in the solicitation. On April 8, after evaluating Aerometrics' experimental data and descriptive literature and determining that its PDPA system was acceptable as it conformed to the solicitation's performance and accuracy specifications, the agency awarded a contract to Aerometrics, the low, responsive and responsible bidder (\$112,625). On April 12, Dantec filed this protest.


In its initial protest, Dantec argued that the solicitation was ambiguous with respect to the type and amount of experimental data which a firm was expected to submit for purposes of the agency's evaluation of the acceptability of a firm's PDPA system. Dantec believed it submitted experimental data and descriptive literature sufficient for the agency to verify the acceptability of its system, and it therefore argued that its bid was improperly rejected as nonresponsive.

While the agency responded to both of Dantec's arguments in detail in its administrative report, Dantec, in its comments to the agency's administrative report, did not rebut any of the agency's responses to either of the issues it raised. Therefore, we deem these issues to be abandoned, and we will

not further address them. See All Am. Moving and Storage, B-243630; B-243804, July 8, 1991, 91-2 CPD ¶ \_\_\_\_; Heimann Sys. Co., B-238882, June 1, 1990, 90-1 CPD ¶ 520; The Big Picture Co., Inc., B-220859.2, Mar. 4, 1996, 86-1 CPD ¶ 218.

Finally, in its comments to the agency's administrative report, Dantec maintains that the agency also should have rejected Aerometrics' bid as nonresponsive for failing to submit relevant experimental data and descriptive literature. Since only two bids were received, Dantec is an interested party to challenge the responsiveness of Aerometrics' bid because the appropriate remedy if its protest were sustained would be resolicitation under which Dantec could compete. See generally Remtech, Inc., B-240402.5, Jan. 4, 1991, 91-1 CPD ¶ 35. We therefore consider Dantec's comments as a new protest and will request a separate report from the agency on the matter.

Accordingly, the protest is dismissed.



Michael R. Golden  
Assistant General Counsel