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

Decision

Matter of: East West Research, Inc.

File: B-244437

Date: August 27, 1991

Richard Snyder for the protester.
Donald S. Tracy, Esq., Defense Logistics Agency, for the agency.
Behn Miller and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

LIGEST

Agency evaluation finding protester's offered alternate product technically unacceptable was reasonable where the protester failed to submit sufficient information demonstrating that its alternate product was the technical equivalent of the approved products listed in the request for quotations.

DECISION

East West Research Inc. protests the rejection of its price quote submitted in response to request for quotations (RFQ) No. DLA400-91-Q-WC41, issued by the Defense General Supply Center (DGSC), Defense Logistics Agency (DLA), for 350 bottles of soldering flux. East West contends that the evaluation of its offered alternate product was unreasonable.

We deny the protest.

The RFQ, issued on April 8, 1991, required quotations to be submitted by April 29. In the RFQ's acquisition item description (AID), two preapproved soldering flux compounds along with their corresponding manufacturers and part numbers (P/N) were listed: The Harry Alter Company soldering flux (P/N 3056) and J.W. Harris Company, Inc. soldering flux (P/N STAYC 40002).

While offerors were invited to submit quotations for one of these two preapproved soldering fluxes, the RFQ also stated that alternate products would be considered. The RFQ specified that any alternate product must be "either identical to or physically, mechanically, electrically, and functionally

interchangeable with the product cited in the AID." In this regard, the alternate products clause also provided:

"If an alternate product is offered, offerors must furnish with their offer legible copies of all drawings, specifications or other data necessary to clearly describe the characteristics and features of the product being offered. Data submitted must cover design, materials, performance, function, interchangeability, inspection and/or testing criteria and other characteristics of the offered product."

Additionally, the alternate products clause provided that even if offering an alternate product, the offeror must nonetheless submit "drawings and other data covering the design, materials, etc." of one of the preapproved soldering fluxes listed in the AID; as set forth in the alternate products clause, the purpose of this requirement is to "enable the Government to determine that the offeror's product is equal to the product cited in the AID." Offerors were also advised that failure to furnish complete data and information regarding either an offered alternate product or the AID products "may preclude consideration of the offer."

On April 30,^{1/} East West submitted a price quote for an alternate soldering flux manufactured by East West--Libra Solder Flux. Included with the price quote was a 2-page letter, dated April 29, in which East West stated the purpose, temperature and bottle size of the flux; the letter also set forth the percentage range of each chemical contained in the flux.

On May 6, the contracting officer submitted East West's offer to the DGSC Directorate of Technical Operations for evaluation. By letter dated June 4, the Directorate responded that it was unable to evaluate East West's offer because East West failed to identify the exact chemical composition of the flux; according to the DGSC evaluators, the percentage range submitted by East West provided an inadequate basis for evaluation.

By facsimile dated June 12, the contracting officer advised East West that its quoted alternate product was found unacceptable.^{2/} That same day, East West filed the instant protest with this Office. East West contends that its

^{1/} The price quote was dated April 29.

^{2/} Issuance of a purchase order has been withheld pending the outcome of this protest.

failure to indicate the exact percentage of each chemical component in its Libra soldering flux compound does not constitute a basis to reject its product since identification of the chemical composition was not set forth as an evaluation factor in the RFQ. In fact, the alternate products clause in the RFQ, quoted above, specifically advised potential competitors to submit information showing the characteristics of any alternate products they offered, in order to demonstrate that their products are "either identical to or physically, mechanically, electrically, and functionally interchangeable with the product cited in the AID." The RFQ thus put competitors on notice that the characteristics of their alternate products would be considered as part of any evaluation to determine their equivalence to the preapproved products.

To the extent that East West challenges the agency's evaluation of its alternate product, we see no basis to object to the agency's decision to reject the protester's quote because East West failed to provide sufficient information to enable the agency to determine the acceptability of its product.

The obligation to demonstrate the acceptability of an alternate product is on the offeror. Peck Equip. Co., B-227135, July 13, 1987, 87-2 CPD ¶ 40. Accordingly, an offeror must submit sufficient information with its alternate item to enable the contracting agency to determine whether the item meets all the requirements of the solicitation. Blackmer Pump, B-231474, Sept. 9, 1988, 88-2 CPD ¶ 225. In this regard, we will not disturb the agency's technical determination unless it is unreasonable. Peck Equip. Co., B-227135, supra.

The purpose of soldering flux is to protect base metals during heating to prevent the formation of oxides, which prohibit filler metals from adhering to the base metals. Specifically, the agency states that:

"The proper flux for the application acts as a shield to protect the metal surfaces from oxidation, lowers the surface tension of the filler metal, dissolves residual oxides, and will be submissive to displacement by the molten filler metal as it flows through the joint. Fluxes also aid in the cleaning of base metals, and in some cases, eliminate the need for precleaning."

The soldering flux being procured under the instant RFQ is for use on pipe joints; failure of the flux to perform properly would result in unsatisfactory solder joints, causing pipe leakage. According to the agency, in order to ensure that a

particular solder flux will perform properly, it is imperative that the exact chemical composition be known to prevent the possibility of flux failure; too much or too little of a particular chemical in the flux may cause defects in the solder joints. The data submitted by East West identified only a range rather than an exact percentage of each chemical contained in the Libra flux; without exact percentages, the agency was unable to determine whether the Libra flux would perform the same functions as those preapproved fluxes listed in the AID.

East West essentially argues that the chemical composition of the flux is irrelevant to determining if the flux will function as required and should be accepted as an alternate to the products cited in the AID. According to East West, oxidation--the condition which the agency says the flux is used to prevent--is not a problem with soldering because oxidation occurs only at higher temperatures than used when soldering. The protester's support for its position is a brief excerpt from a book entitled "Metals and How To Weld Them," which discusses oxidation generally and lists the temperature range at which soldering is performed and the melting temperatures for lead (one component of solder) and for iron.

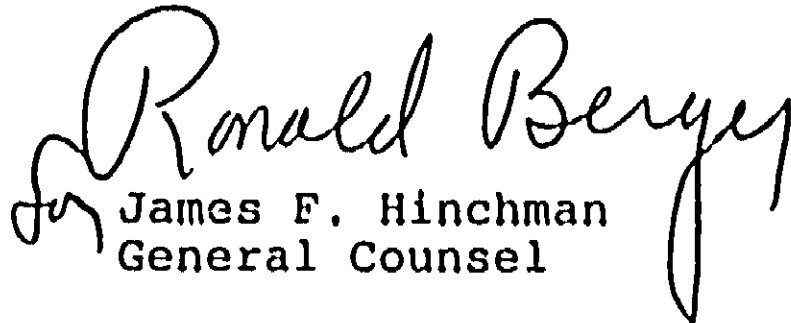
The material on which East West relies does not show that the agency's technical judgment is unreasonable. The book excerpt begins its discussion of corrosion--of which oxidation is one form--by noting that "[t]he effects of corrosion are generally enhanced by heat, though for most purposes corrosion is considered to be an attack at room temperature." The only other reference to the effect of high temperatures is in the context of discussing the particularly fast rate of oxidation that occurs in some metals, during which sufficient heat is given off to maintain the oxidation reaction until the metal is completely burned up. The book notes that it is "this effect"--not oxidation in general--that is "especially noticeable at high temperatures." This information simply does not support the general proposition asserted by East West that, contrary to the agency's position, oxidation is not a factor in soldering because of the temperature at which it is performed. See East West Research Inc., B-236723, Dec. 8, 1989, 89-2 CPD ¶ 531, aff'd, B-236723.2, Mar. 29, 1990, 90-1 CPD ¶ 338.

The protester also challenges the agency's statement that it is important to determine, through examination of its chemical composition, whether flux offered as an alternate product is compatible with other fluxes that may be in use by the agency. East West offers no support for its bare assertion, instead simply posing a question as to the agency's decision not to examine compatibility between the

flux and the solder.^{3/} East West's statement clearly is insufficient to demonstrate that the agency's position regarding compatibility is erroneous.

In its comments on the agency report, East West maintains that the requirement to provide information on the two preapproved sources listed in the RFQ is unreasonable; according to East West, this information either does not exist or is not accessible. Since the requirement was clear on the face of the RFQ, any objection to it should have been raised before East West was advised that its quote was rejected. See Bid Protest Regulations, 56 Fed. Reg. 3,759 (1991) (to be codified at 4 C.F.R. § 21.2(a)(1)). In any event, the record shows that although East West failed to provide information on either the Alter or Harris chemical flux, this failure did not impact the agency's decision to reject East West's product. Rather, the determination that East West's flux was unacceptable was based on East West's insufficient data regarding the Libra soldering flux. Moreover, the fact that data on the two preapproved soldering fluxes may be difficult or impossible to obtain does not preclude DGSC from requiring such information; an agency may require such proprietary technical information where, as here, it is necessary to determine the acceptability of an alternate product. East West Research Inc., B-236723, supra.

The protest is denied.


for James F. Hinchman
General Counsel

3/ East West states as follows:

"To demonstrate the ridiculousness of DGSC position of being assured that the fluxes if they mix are compatible. Solder is purchased by DGSC to QQ-S-571. A very very large majority of solder purchased by DGSC is FLUX CORED. Why aren't they concerned with the compatibility of the liquid flux in this procurement or any procurement being compatible with the flux cored solder they purchase?"