



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Alpha Q, Inc.

File: B-248706

Date: September 18, 1992

Richard A. Degen, Esq., for the protester,
Robert L. Mercadante, Esq., Defense Logistics Agency, for
the agency.
Katherine I. Riback, Esq., John W. Van Schaik, Esq., and
John Brosnan, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Protest that solicitation for inner balance seals for turbine engines is defective is sustained since the solicitation, which requires offerors to meet the "latest revision" of the original equipment manufacturer's drawing referenced in the solicitation and does not identify the applicable revision--although the agency is able to verify the latest revision--prevents offerors from competing on an equal basis.

DECISION

Alpha Q, Inc. protests the terms of request for proposals (RFP) No. DLA500-92-R-0130 issued by the Defense Industrial Supply Center (DISC), Defense Logistics Agency (DLA) for 177 inner balance seals for turbine engines manufactured by General Electric (GE).

We sustain the protest.

The solicitation describes the inner balance seals by their GE part number and states that the item is to be acquired only from three listed sources, including Alpha Q. The solicitation also states that "acceptable source(s) must meet the latest revision of the General Electric drawing," and requires that each proposal indicate the revision on which it is based. In addition, the solicitation states that the agency does not have a drawing available for the part.

Alpha Q argues that the solicitation is defective because it fails to identify the latest revision of the GE drawing for the part being purchased. As a result, the protester contends that the solicitation does not include a common specification upon which offerors are to prepare their

proposals and that it places an "impossible duty" on offerors to update their proposals based on revisions to the GE drawing whenever issued. Alpha Q requests that we instruct the agency to amend the solicitation to specify the GE drawing revision and the revision date which the agency desires.

In its report, DLA initially represented that the required GE drawing and other technical data relating to this part were controlled by GE and were unavailable to the agency. In response to the protester's later submissions, however, the agency now concedes that the drawing for the part is available and that the agency has revisions to the drawing in an agency repository. DLA also now concedes that contracting officials are able to ascertain the latest revision of the GE drawing. In this respect, according to the agency, under this solicitation, prior to award contracting officials would verify the latest revision of the drawing with GE and evaluate proposals based on that revision.

DLA argues, however, that it is appropriate to require offerors to ascertain the latest revision of the drawing. According to the agency, its minimum need is for inner balance seals made according to the GE drawing incorporating the latest revision. The agency argues that referencing in the solicitation the latest revision in the agency repository may not result in the acquisition of the correct part since the repository may not include the latest revision. Thus, the agency explains that in order to meet its minimum need for parts based on the latest revision of the GE drawing, it has decided to require prospective offerors to ascertain the latest revision and identify the revision on which their offers are based. DLA argues that soliciting proposals in this manner "mitigates against the adverse effects of delays in the communication of technical data information" between agency engineers, who approve drawing revisions, and contracting officials, as well as communication delays between GE and the government.

The government has a general obligation when seeking bids or proposals to draft solicitations in a way that identifies the agency's needs with sufficient detail and clarity so that all vendors have a common understanding of what is required under the contract in order that they can compete on an equal basis. Dynalelectron Corp., B-198679, Aug. 11, 1981, 81-2 CPD ¶ 115; Worldwide Marine, Inc., B-212640, Feb. 7, 1984, 84-1 CPD ¶ 152. This means that a contracting agency normally must provide or at least reference the applicable specifications and drawings which are to govern the contractor's performance. Federal Acquisition Regulation (FAR) § 10.008(d). Solicitations are not required to be so detailed as to eliminate all

uncertainties, AAA Eng'g & Drafting, Inc., B-236034, Oct. 31, 1989, 89-2 CPD ¶ 404, and in some cases the government cannot provide drawings or other data because they are either not available or not releasable. See Oktel, B-244956; B-244956.2, Dec. 4, 1991, 91-2 CPD ¶ 512; American Diesel Engineering Co., Inc., B-245534, Jan. 16, 1992, 92-1 CPD ¶ 79. However, where relevant information is available for inclusion in a solicitation and would give offerors seeking to meet government requirements a clearer understanding of those requirements than they would otherwise have, the information should be provided. See, e.g., University Research Corp, 64 Comp. Gen. 273 (1985), 85-1 CPD ¶ 210; Pulse Elecs., Inc., B-244764; B-244765, Nov. 18, 1991, 91-2 CPD ¶ 468.

Here, DLA explains why its needs are for seals based on the latest drawing revision and concedes that it can and will obtain this latest revision information from GE in order to evaluate proposals. DLA does not explain, however, why it does not obtain that information at the outset of the procurement and provide it in the solicitation instead of making it the vendors' responsibility to ascertain that information. Obviously, requiring offerors to determine the "latest revision" of the GE drawing could result in offerors obtaining inconsistent information since they may seek it from various sources at different times. This could lead to proposals based on obsolete revisions of the GE drawing through no fault of the offerors. In other words, there would not be competition on an equal basis.

Moreover, DLA's approach appears to violate FAR § 10.008(b), which states that "(s)olicitations shall not contain general identification references such as 'the issue in effect on the date of the solicitation.'" We see no meaningful difference between the type of language prohibited by the FAR and language requiring proposals based on an unspecified "latest revision of the General Electric drawing."

Accordingly, since the contracting agency is able to verify the latest revision of the referenced GE drawing, and that information would enable offerors to compete on a more equal basis, we find that the solicitation is defective because it does not specify the applicable revision.

By separate letter of today to the Director of DLA, we are recommending that the RFP be amended to specify the applicable revision and date of the GE drawing referenced therein. We find that the protester is entitled to

reimbursement of the costs of filing and pursuing its protest. Bid Protest Regulations, 4 C.F.R. § 21.6(d) (1) (1992).

The protest is sustained.

for *Milton J. Fowler*
Comptroller General
of the United States