



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Savasort, Incorporated

File: B-249272

Date: October 30, 1992

Wm. Reeves King, Esq., St. John & King, for the protester.
Christy L. Gherlein, Esq., General Services Administration,
for the agency.
Paul E. Jordan, Esq., and Paul I. Lieberman, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Determination of whether particular items offered are appropriate for inclusion in Federal Supply Schedule under specified Federal Supply Classification code, is for the General Services Administration and will not be disturbed unless it is without a reasonable basis.

DECISION

Savasort, Incorporated protests the rejection of its offer under request for proposals (RFP) No. FCNH-92-F205-N, issued by the General Services Administration (GSA), for products to be included in the Federal Supply Schedule (FSS) under the classification "Mail Sorting and Distribution Furniture," Federal Supply Classification (FSC) code 71-III-D. Savasort contends that GSA has erroneously determined that its products are not suitable for inclusion under the solicited code.

We deny the protest.

The RFP, issued March 16, 1992, is an amendment to the basic FSS solicitation, No. FCNH-89-F205-N-2-6-90, issued in January 1990. The original solicitation was issued to obtain schedule vendors for various items of mail room furniture including: mail sorting and distribution furniture, light duty small parts cabinets, bin racks, carts, and plastic storage bins. Offerors were required to submit firm, fixed-unit prices for an indefinite quantity of each line item for a 4-year period from October 1990, through September 1994. The current RFP contemplated award

of similar contracts to additional vendors for the remainder of the original period, i.e., October 1, 1992, or later date of award, through September 30, 1994. Initial offers under this open season amendment were due April 16, 1992.

Savasort submitted an offer on one of four Special Item Numbers (SINs), SIN 488-1, Class 7110, described in the RFP as follows:

"FURNITURE, MAIL SORTING AND DISTRIBUTION:

Includes tables, storage units, consoles, racks and work benches; designed to be used as interrelated components for the purpose of dumping, opening, reading, sorting, packing and/or wrapping, both incoming and outgoing mail."

The RFP required offerors to submit two copies of current commercial descriptive catalogs showing "established catalog or market prices." Special catalogs or price-lists printed for the purpose of the offer were not acceptable. In its response to the RFP, Savasort offered mobile and stationary sorting products including rotary sorters with 100 to 500 dividers, shuttle-type sorters with 100 dividers, shelf-type sorters, chairs with tables, and a variety of tabletop vertical and flat style sorters.¹ The brochure pictured a rotary model, a shuttle sorter, and several table/desk-top models. The brochure identified "sorting media" that could be handled by its desk and tabletop sorters as "checks," "sales checks," "correspondence," and forms from "3X5" up to "8-1/2X11." Savasort's only reference to mail was a suggestion that the vertical and flat sorters could be used to "save money when used to consolidate mailings."

Savasort's proposal was initially evaluated by a technical commodity specialist at GSA's National Furniture Center Engineering Branch. The specialist concluded that the offered products did not meet the SIN description provided in the RFP and appeared more appropriate for the office equipment division. On April 27, GSA advised the protester of the results of the initial review. Savasort explained that the brochure it submitted was not considered a "Savasort mail room" brochure and requested to speak with the technical specialist because Savasort did manufacture other items that were considered mail sorting and/or mail

¹The price list submitted by Savasort for the pictured tabletop sorters has an "X" across the page. GSA was unsure whether this meant that the products represented were not offered or that their prices were not current.

room furniture. On April 28, in discussions with the technical specialist, Savasort explained that it was in the process of developing a brochure for mail room furniture and offered to submit it within 3 weeks.²

Savasort never submitted any other brochure. Savasort's original brochure was again reviewed and on May 26, was rejected as inappropriate for classification as SIN 488-1. Based on its review, GSA concluded that Savasort's products should be considered for FSC 74, Part IV, "Visible Record Equipment," Class 7460. Upon being notified of its rejection, Savasort filed this protest with our Office.

Savasort states that its products are used in the mail rooms of a wide variety of commercial customers with large volumes of mail and other documents to sort. Savasort contends that GSA's rejection of its offer was arbitrary and capricious, and that Savasort should have been awarded a contract under the solicited FSC code. We disagree.

Multiple-award schedules are based on negotiated contracts awarded to more than one supplier for delivery of comparable commercial supplies or services. Contracts are awarded to firms supplying the same generic types of items or services. Federal Acquisition Regulation (FAR) § 38.102-2(a). The determination of the appropriate classification for an item is within the discretion of the procuring activity, utilizing the available guidance provided by the Federal Property Management Regulations (FPMR) and the various cataloging policy manuals. Hung Myung (USA) Ltd., Inc.; Containertechnik Hamburg GmbH & Co., 71 Comp. Gen. 64 (1991), 91-2 CPD ¶ 434. Our Office will not disturb an agency's classification determination unless it lacks a reasonable basis. Id.

In this case, GSA reviewed Savasort's product brochure and compared it with the RFP description of SIN 488-1 items and with products currently identified as SIN 488-1. The RFP described furniture such as tables, storage units, work benches, and racks, designed as interrelated components for "dumping, opening, reading, sorting, packing and/or wrapping, both incoming and outgoing mail." Current FSS catalogs for these items picture sorting units with open boxes or bins and tables, which promote the efficient handling and sorting of mail for distribution. Savasort's brochure pictured and described sorting products with closely connected dividers. While the products appear

²By letter of May 4, Savasort stated that it "hoped" it would have the brochure ready "within 4 to 6 weeks." On May 5, GSA called Savasort to remind the firm that it had promised to submit the brochure in 3 weeks.

suitable for sorting forms and records storage, GSA found no basis to establish that the products are suitable for the type of sorting and handling contemplated by the RFP description. GSA concluded that the physical design of the products was not practical for use in handling mail in a mail room.

An offeror must demonstrate affirmatively the merits of its proposal, and it runs the risk of rejection if it fails to do so. Drytech, Inc., B-246276.2, Apr. 28, 1992, 92-1 CPD ¶ 398. Here, Savasort's initial proposal failed to establish the suitability of its products and Savasort was provided an opportunity to submit a revised brochure. To date, Savasort has not provided such a brochure.

Notwithstanding Savasort's firmly held belief concerning the diverse applications for which its products are suited, simply because items can be and are used in some mail rooms does not establish that they are appropriate for FSS classification as mail room furniture. In this regard, we have reviewed current FSS catalogs which show a variety of mail room sorting furniture corresponding to the SIN 488-1 description in the RFP. These catalogs also picture other items such as mail distribution carts, individual work stations, and rotary and shuttle type sorters of the type offered by Savasort. These additional items are all over-stamped with the words "rejected" or "not in contract," reflecting GSA's consistent interpretation that "mail room furniture" classified as SIN 488-1 does not include the kind of products offered by Savasort. On this record, we find reasonable GSA's determination that the products offered by Savasort are unacceptable for inclusion in the FSS under the "Mail Sorting and Distribution" classification.

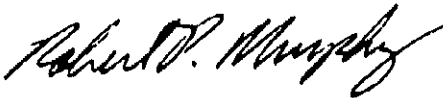
We also find that GSA reasonably determined that Savasort's products were more suitable for classification as "Visible Record Equipment" under FSC 74-IV. We have reviewed the current FSS for this classification and find its descriptions more applicable to Savasort's offered items than those in the RFP. For example, under the heading "Files, Visible Index Vertical and Rotary Type," the current FSS describes SIN 165-175 as a "Rotary Type," "Lazy Susan; for use with cards and/or forms, for use in dispatching, as an accumulator, etc." This description is consistent with the rotary sorter pictured in Savasort's brochure.

Since Savasort may compete for a contract under FSC 74-IV, it has not been deprived of the opportunity to make its products available to Federal agencies and contractors who

operate mail rooms and distribution facilities.¹ While Savasort's products will not be listed with mail room furniture, nothing prevents agency buyers from consulting the FSC 74-IV schedule and ordering Savasort's products if they believe those products are suitable for their needs.

Savasort also argues that if the criteria that GSA used to eliminate its products are essential, they should be in the solicitation. Thus, the protester contends that the RFP should be canceled and reissued with more detailed specifications. We disagree. As GSA points out, multiple-award schedule contracts are appropriate when it "is not practical to draft specifications or other descriptions for the required supplies or services." FAR § 38.102-2(b)(1). Here, as explained above, GSA reasonably determined that the Savasort's products were inappropriate for inclusion under the FSC code for which they were offered. Accordingly, reissue of a solicitation with specifications making more clear that these products are inappropriate would serve no useful purpose.

The protest is denied.


for James F. Hinchman
General Counsel

¹We note that the FPMR provisions relating to the cataloging of federal supply items, require that "Each item included in the Federal Catalog System shall be classified under the Federal Supply Classification and shall be assigned only one 4-digit class in accordance with the rules prescribed in the Federal Catalog System Policy Manual." FPMR, 41 C.F.R. § 101-30.202(b)(1) and (b)(2) (1991); Federal Catalog System Policy Manual, GSA-FSS-4130.2-M, § 331.04(a).