



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DoAll South Atlantic Company

File: B-249761

Date: December 7, 1992

Jim Patterson for the protester.
Timothy A. Beyland and John L. Merritt, Esq., Department of the Air Force, for the agency.
George M. Ruppert, Esq., and Barbara R. Timmerman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Standard band saw to which manufacturer adds various stock components to satisfy customer requirements was properly determined to meet solicitation requirement that band saw be one of the manufacturer's current models.
2. Solicitation requirement that band saw be manufacturer's current model does not preclude offeror from making minor modification to current model to meet agency's specifications.

DECISION

DoAll South Atlantic Company (DoAll) protests the Department of the Air Force's award of a contract to Tyler Machinery Company, under request for proposals (RFP) No. F09603-90-R-82304, for metal-cutting band saws. DoAll essentially contends that the band saw offered by Tyler does not meet the solicitation requirement that the machine be one of the manufacturer's current models.

We deny the protest.

The RFP called for 27 metal-cutting band saws with an option to purchase up to 126 additional saws. The band saws were to be manufactured in accordance with military specification MIL-S-80201C. Proposals were to be evaluated based on two factors: compliance with essential requirements and price.

The agency received four proposals. Three were determined technically acceptable. Tyler was the lowest priced technically acceptable offeror. A pre-award survey was conducted which included investigation of technical and production capability as well as quality assurance and financial capability. Based upon the favorable pre-award

survey the contracting officer determined that Tyler was responsible and awarded it the contract.

DoAll maintains that Tyler does not currently manufacture metal-cutting band saws and thus does not comply with paragraph 3.2 of military specification MIL-S-80201C. Paragraph 3.2 of the specification required that the band saw be new and one of the manufacturer's current models. DoAll also questions whether certain components to be added to Tyler's basic band saw, the band welder and the air powered work table, are standard parts of a band saw currently produced by Tyler.

In reviewing an agency's technical evaluation, we will not reevaluate the proposal, but instead will examine the agency's evaluation to ensure that it was not arbitrary or in violation of the procurement laws and regulations. Information Systems Network Corp., 69 Comp. Gen. 284, 90-1 CPD ¶ 203. Based on our review of the record, we find the agency's evaluation was reasonable.

In support of its assertion that the machine Tyler offered is not a current model, the protester points to the commercial literature Tyler submitted with its proposal which showed a wood-cutting band saw rather than the required metal-cutting band saw. As the agency points out, however, paragraph 3.2 did not preclude an offeror from furnishing a multipurpose band saw customized to meet the specification requirements. Tyler indicated during negotiations that it manufactured band saws for both metal cutting and wood cutting applications. Because the requirement for these applications can vary widely, Tyler stated that its standard sales brochure provides information on the basic band saw only. Tyler explained that components are added to this stock machine to meet customer requirements. The Air Force found that this method of manufacturing is reasonable for small businesses such as Tyler since it allows greater flexibility than would the production of a full line of single purpose machines. The pre-award survey of Tyler confirmed that the firm currently produced metal cutting band saws, that is, the stock machine with the metal working components, including the band welder, added. The record establishes that the band welder is a stock component offered by Tyler and that Tyler has furnished the band saw with the band welder to other customers.

With respect to the air powered work table, the record shows that Tyler routinely offers a hydraulic feed table as an available option. According to the Air Force, Tyler only needs to change the cylinders which contain hydraulic fluid to accommodate air in order to convert the hydraulic table

to an air powered table. The Air Force maintains that this modification is easily accomplished. DoAll argues that the modification is significant and would require that a prototype machine be built and tested.

Determining whether the magnitude of the modification would require Tyler to offer a new model is a technical judgment. The Air Force found that Tyler could and would meet the specification requirements with the model it offered. Although DoAll disagrees with the agency's determination, we are not persuaded that the modification will require that a prototype machine be built. In sum, we do not find that the Air Forces's determination was unreasonable. See Clausen Machine Tools, B-216113, May 13, 1985, 85-1 CPD ¶ 533.

The protest is denied.

for Seymour E. Hinchman
James F. Hinchman
General Counsel