



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: DIT-MCO International

File: B-261976

Date: October 31, 1995

Barry Kendrick for the protester.

Col. Thomas F. Brown, Department of the Air Force, for the agency.

Jennifer D. Westfall-McGrail, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest challenging acceptability of awardee's "equal" item in a brand name or equal procurement is denied where features of the brand name item that awardee's item allegedly lacked were not identified as salient characteristics in the solicitation.

DECISION

DIT-MCO International protests the award of a contract to the Canadian Commercial Corporation on behalf of Cabletest International Inc. under request for proposals (RFP) No. F09650-95-R-A021, issued on a brand name or equal basis by the Department of the Air Force for a wire harness tester system applicable to the C-130 aircraft. The protester contends that the test system offered by Cabletest lacks certain of the capabilities inherent in the brand name product, which it manufactures.

We deny the protest.

The RFP requested offers for a wiring harness testing system, DIT-MCO International model number SAS9600 or equal. An attached purchase description defined the system's required features,¹ which included the following software capabilities:

"The software must be capable of being programmed and accepting data from keyboard input, data file, modem data transfer, network data transfer, and self input from hooking up to a known good harness. The software is to include a test file editor, address correspondence editor, syntax checker, automatic program generator,

¹Under the heading "Brand Name or Equal Salient Characteristics," the RFP provided as follows: "IAW ATCH PURCHASE DESCRIPTION".

from-to wire list, error log, checksum generator, and a schematic generator."

The solicitation provided for award to the offeror submitting the lowest-priced conforming proposal.²

Six offerors submitted proposals by the May 3, 1995, closing date. After reviewing the descriptive literature submitted by the various offerors, the agency evaluator determined that two of the proposals were in full compliance and four in partial compliance with the purchase description. After discussions had been conducted and best and final offers received, the agency evaluator determined that all proposals were in full technical compliance and selected Cabletest, whose final price of \$127,860 was lowest, for award. DIT-MCO's price was second low.

The protester argues that Cabletest's proposed test system lacks certain of the capabilities inherent in its brand name model and should therefore not have been accepted as its equal. Specifically, the protester complains that the Cabletest system does not use ASCII³ files; does not provide 64-character product identifier strings; does not allow the operator to modify a test program (to repeat a test, change a parameter, etc.) once the test file has started to run; and cannot be programmed to perform different tests or operations contingent upon the results of earlier tests or operations.⁴

²The RFP did not contain a section M (Evaluation Factors for Award), but did incorporate by reference, under section L, Federal Acquisition Regulation § 52.215-16, subsection (a) of which provides for award to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the government, cost or price and other factors, specified elsewhere in the solicitation, considered. No other factors were specified elsewhere in the solicitation here; thus the RFP in effect provided for award to the lowest-priced conforming proposal.

³ASCII stands for American Standard Code for Information Interchange, which is a 7-bit universal standard code/language adopted to facilitate the interchange of data among differing types of data processing and data communications equipment.

⁴The protester also argued in its initial letter of protest that Cabletest's system did not have Checksum capability, a floating comparator, or a schematic generator. The agency asserted in response that Cabletest's system did have all three features. In commenting on the agency report, the protester did not take issue with or attempt to rebut the agency response; we therefore consider it to have abandoned these arguments. Arjay Elecs. Corp., B-243080, July 1, 1991, 91-2 CPD ¶ 3.

The overriding consideration in determining the equivalency of an offered product for purposes of acceptability is whether the "equal" product performs the needed function in a like manner and with the desired results. See Nicolet Biomedical Instruments, 65 Comp. Gen. 145 (1985), 85-2 CPD ¶ 700. The "equal" product need not be an exact duplicate of the brand name in design or performance. Cohu, Inc., B-199551, Mar. 18, 1981, 81-1 CPD ¶ 207. Rather, the equal product must satisfy the salient characteristics as they are set forth in the solicitation; it generally need not satisfy features of the brand name that are not specified. Lutz Superdyne, Inc., B-200928, Feb. 19, 1981, 81-1 CPD ¶ 114. The procuring agency enjoys a reasonable degree of discretion in determining whether a particular product meets the solicitation's technical requirements as set forth in the salient characteristics, which we will not disturb unless it is shown to be unreasonable. Solid Waste Integrated Sys. Corp., B-258544, Jan. 17, 1995, 95-1 CPD ¶ 23.

Here, the features of DIT-MCO's model with which Cabletest's system allegedly failed to comply were not identified in the solicitation as salient characteristics. The RFP's purchase description did not require that the test files be in ASCII format; that the system provide 64-character product identifier strings; that the operator be capable of modifying the test program once the test file has started to run; or that it be possible to program the system to perform different tests or operations contingent upon the results of earlier tests or operations. Thus, the fact that Cabletest's system may have lacked certain of these features did not require its rejection as unequal to the brand name system.

The protest is denied.

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