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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

Encl

B-156979

Aug. 17, 1965

Holt Instrument Laboratories  
Division of Holt Hardwood Company  
P.O. Box 230  
Oconto, Wisconsin 54153

Gentlemen:

Reference is made to your letter of June 14, 1965, protesting the award of a contract to another bidder under invitation for bids No. AMC(A)36-038-65-988(ACI) issued by the Frankford Arsenal, Philadelphia, Pennsylvania.

The award covers the procurement of 27 units of AC Voltage Standard, in accordance with drawing A791139<sup>4</sup>, Revision C, for use in the Army calibration program. The invitation for bids required descriptive literature to be submitted by the bidders. Three bids were received. The low bid of \$222,827 was submitted by Cohu Electronics, Inc. You were the second low bidder and your bid was in the amount of \$507,900. The third bidder was Weston Instruments, Inc. (Weston-Rotek) and its bid was in the amount of \$597,485. The low bid was considered technically non-responsive since the bidder did not meet any of the technical requirements of drawing A791139<sup>4</sup>. Your bid likewise was considered technically nonresponsive and was rejected. Award was made to Weston-Rotek since its bid was considered responsive.

It appears that your representatives met with representatives of the contracting office on June 3, 1965, and they were informed as to why your bid was rejected. In Attachment "E" to your letter of June 14, 1965, you take issue with the correctness of the evaluation of your bid which concluded with a determination that your bid was nonresponsive. The major deviations from the specification requirements were considered to be as follows:

"e. Total Distortion: ' - - the distortion characteristics of the Model 324A may be improved by increasing feedback and reducing flux density thereby easily meeting the requirements of the Army Drawing.' The ease with which this requirement could be met is questionable. The difference between the specified .015% max for the 10-100 cps range and the .035% specified by the Holt 324 indicates possible development is involved.

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"1. Output Voltage Amplitude Stability: Holt's statement that 'The long term stability of the Model 324 is specified as .015%/year.' Literature supplied by Holt with bid specifies .015%/6 months. This indicates a required modification to increase the stability of the present Holt 324 by 200%. Also, Holt's statement that 'However, at an increase in cost, it is possible to select only diodes with stability better than 20 ppm/3 months for the Model 324A' does not necessarily assure this overall stability for the unit since this requirement is also dependent on circuit design and temperature compensation. For a state-of-the-art instrument of this type, development rather than mere modification seems to be in order.

"j. Noise Level: Holt's comment for this requirement "-- the Model 324 mounted in the requested enclosure will meet the Army's requested noise level without further modification' is non-complying since no requested enclosure was specified on A7911394. The basic Model 324 does not meet the required specification.

\* \* \* \* \*

"1. Construction: Holt does not indicate they will comply with the requirement 'Unit shall be on mobile base with platform at bottom extending approximately 6" from front and rear to provide protection against accidental tipover.' Holt's statements 'The precision references used in the 324 series of instruments are pre-aged for at least a month with occasional rough measurements.' 'Individual reference sensors which complete two months of stable operation in the precision oil bath---.' 'This complete package is then subjected to an additional thirty days of intensive measurement---.' do not present tolerance limits or other data so that a quantitative analysis could be made to ascertain conformance to the specification 'Maximum difference between start and stop data (3 months apart) shall not exceed  $\pm$  20 ppm.' A7911394 requirement 'Linear, transient-suppressed switching circuits shall be used throughout.' and Holt's statement 'All control circuits and inductive load switching circuits except the precision signal switching circuits of the Model 324A incorporate linear transient-suppression---' reflects non-compliance. Since transient suppression is not used by Holt in the signal switching circuitry, possible damage due to transients on the equipments under test could result.

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"m. Manuals. A791139<sup>4</sup> specifies detailed and extensive requirements for manual content. Malt's mere indication in the IFB that two manuals will be supplied is insufficient. With state-of-the-art instruments of this type, our past experience has conclusively proven that unless manuals conform to the requirements of A791139<sup>4</sup>, additional costs are incurred by the Government due to increased maintenance, training requirements, and parts identification problems."

In cases where, as here, there is involved a question as to whether the supplies offered by a bidder will meet the technical requirements of a specification, the matter is one primarily for determination by the procuring agency since our Office does not employ technical personnel for such purposes and we must rely on a determination so made unless it is abundantly clear that the determination is arbitrary or erroneous. See 38 Comp. Gen. 191. There does not appear anything in this case which would warrant disagreement by our Office with the determination so made.

Turning to the summary of your protest as set out on the last two pages of your letter of June 14, 1965, the first contention is that your bid was rejected because you failed to furnish descriptive literature whereas Weston-Rotak's bid was accepted even though it failed to furnish descriptive literature. As pointed out hereinabove your bid was rejected mainly because the supplies you offered to furnish were not considered as meeting the specifications. With regard to the alleged failure of Weston-Rotak to furnish descriptive literature, it is noted that in its letter of May 18, 1965, submitting its bid it is stated that the "item offered is the model 150A Absolute AC Voltage Standard as fully described in the attached Bulletin 150 and Addendum Technical Specification #19-1501-1," and that "The Model 150A is basically a commercial catalog item, Model 150, with standard optional features as described herein." In the letter of May 18, 1965, there are set out the significant features of the 150A unit offered. In reviewing the sufficiency of the literature furnished, the Acting Director, Metrology and Calibration Center, in a memorandum dated July 1, 1965, states that Weston-Rotak provided adequate descriptive literature of their basic model 150 and included standard commercially available options. In the absence of convincing evidence that the statements of technical personnel are erroneous, we must conclude that the literature and information furnished by Weston-Rotak with its bid was sufficient for determination as to whether the supplies offered met the specifications.

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As to the second point in your summary, namely, that you have a record of good performance whereas Weston-Rotek has no record of supplying the equipment in question to the Army, it is stated in the memorandum of July 1, 1965, referred to hereinabove, that--

"Rotek was on schedule in providing Models 150 to Frankford Arsenal (Jan 1965) and Tooele Army Depot (May 1965). Holt was unable to supply two Model 324 for the digital voltmeter training course (Mar 1965).

Your third point in your summary of contentions is that the specifications were unnecessarily restrictive and this resulted in a higher bid price and poorer overall technical capability in the equipment to be delivered. In this regard, it is stated in the referred-to memorandum of July 1, 1965, that--

"Frankford Arsenal considered Holt's comments to revise the specifications and included all but one. Holt's reference to a "--poorer overall technical capability in the equipment to be delivered is not understood in view of the fact that the Rotek 150 has been brought in quantity of 180 by the Air Force for their calibration program. It should be noted that the versatility Holt continually speaks of is available only at the expense of increased degradation of performance characteristics. \* \* \* No new specifications are required since A7911394 fully satisfies the needs of the Army Calibration Program."

In view of the foregoing we find no basis for considering that the award in this case was improper and your protest is denied.

Very truly yours,

FRANK H. WEITZEL

Acting Comptroller General  
of the United States