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

FILE: B-192025   DATE: September 5, 1978

MATTER OF: Auto-Trol Corporation

DIGEST:

> RFP which permitted offerors to propose
> any configuration of edit system software
> program, was essentially a procurement .
> based on performance specification where
> offerors are expected to use their own
> ingenuity to meet Government's perform-
> ance requirements. Thus, offer to perform
> a required function by a method not
> expressly specified does not deviate from
> solicitation's mandatory requirements.

Auto-Trol Corporation protests the award of
a contract to M&S Computing, Inc. (M&S) under request
for proposals (RFP) R4-78-1 issued by the U. S.
Forest Service. The RFP requested offers for a digital
data edit system for the editing of digital carto-
graphic data acquired from maps, charts, photographs,
and other sources. The RFP required hardware and
software which could perform a number of functions
relevant to the edit system.

Although Auto-Trol alleges that a number of ir-
regularities occurred in the award process, the basis
for protest is that the procuring agency accepted
less sophisticated and less capacious equipment
which does not meet its mandatory requirements and
that it failed to provide other offerors an oppor-
tunity to propose a similar method of performing
the "noding function."

Best and final offers were received from three
firms and on March 3, 1978, and initial award was
made to M&S on the basis that it was the technically

acceptable offeror whose system represented the
lowest overall cost to the Government. A debriefing
was held with Auto-Trol and shortly thereafter the
firm advised the Forest Service that the agency had
erroneously evaluated life cycle costs. The Forest
Service concurred in this analysis and terminated
the contract with M&S for the convenience of the
Government. After a reevaluation of all 3 proposals .
and the specifications, the Forest Service deter-
mined that certain of the RFP's requirements did
not clearly provide for its actual needs. The Forest
Service advised all offerors by letter that it had
terminated M&S's contract for the convenience of
the Government. The Forest Service also issued an
amendment to clarify its specification and called
for a new round of best and final offers. Because
M&S's prices had been revealed to the other offerors,
the Forest Service revealed to each offeror the
prices of other proposals in the competitive range.
Only Auto-Trol and M&S resubmitted best and final
offers. Award then was made to M&S as the offeror
whose system met the needs of the Government at
the lowest price.

Section 7 of the Request for Proposal (RFP)
requires software to be furnished to perform edit
functions of node data. A node is a point of con-
vergence on a diagram, chart, or graph. Nodes can
be used to designate a state, event, time conver-
gence, or a coincidence of paths or flows. The RFP
requires the edit system software to examine each
node, calculate distance, mark, and display only
exception nodes on a cathode-ray tube. The RFP
mandatory requirement requires that "this function
shall be performed in less than 60 seconds regardless
of external load on the control computer."

M&S Computing offered a "background" computer
program to perform the edit function. A "background"
program is usually a computer program that is not
dependent on time. In other words, a "background"
program is of a lower priority than a "foreground"
or main program and is at halt or standby while the
main program runs.

The protester argues that the U. S. Forest Service evaluation committee said that M&S "alternative proposal to perform this function in background" is an "alternative" proposal and the protester was not given an opportunity to bid an "alternative" method. The protester claims that the M&S proposal on which the award was made does not meet the mandatory "time" requirements of the RFP.

The RFP did not specify how the edit system software was to be used in an operating system environment. It only said that the function be done in less than 60 seconds regardless of external load on the control computer. The RFP did not say whether the software was to be a real time (foreground) program or an on call (background) program. Terms like "background" or "foreground" programs or "preprocessing" were not used in the RFP.

"Foreground" in the computer field usually means a high priority program, or process which utilizes the computer's central processing unit immediately, or as needed, but still allows less critical or lower priority programs to be worked on as background tasks when higher priority programs are not being worked on. Section 7 of the RFP does not use any terms to describe how the edit software is to do the job in less than 60 seconds.
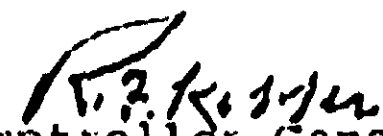
Next, the key mandatory requirement phase of the RFP that may be causing the problem is " * * * in less than 60 seconds regardless of external load on the control computer." "External load" in the computer field, means to load or fill the internal storage of the computer with data from auxiliary or external storage.

While it may be reasonable to assume that the U. S. Forest Service may not have preferred a background program to edit the node data, the RFP did not

disallow it. The only posssible reference to a background program is in the phrase "regardless of external load on the control computer." This may explain why the evaluation committee called the "background" programs offered by M&S Computing an alternative proposal. When the Government provides a performance specification, as in this case, offerors are expected to use their own inventiveness and ingenuity in devising approaches that will meet the Government's performance requirements. See International Business Machines Corporation, B-187720, May 19, 1977, 77-1 CPD 349; Ocean Design Engineering Corporation, 54 Comp. Gen. 363 (1974), 74-2 CPD 249.

We believe the "background" software program offered by M&S Computer is not a prohibited method of performing the node editing function. No mention is made in the RFP relating to how the editing function is to be performed. That is, in real time, or on call, or by a foreground program, or by a background program. What is important is whether the software will do the job in less than 60 seconds. The records furnished show that M&S Computing background program will meet the RFP's "60 second time" mandatory requirements.

For these reasons, we believe that the protest should be denied.

Deputy Comptroller General
of the United States