

Protest of) Date: December 3, 1987
EXECUTIVE BUSINESS)
COMMUNICATIONS)
Pinellas Park, FL Telephone Purchase) P.S. Protest No. 87-105

DECISION

Executive Business Communications (EBC) timely protests its failure to receive award for a small key-type telephone system in the Pinellas Park, FL post office.

The Postal Service procures small key-type telephone systems in accordance with the Postal Service's Approved Sources Program as set out in a class determination and findings dated May 25, 1985, and approved pursuant to Postal Contracting Manual (PCM) 3-201.1 (i), (ii). Under the program, a vendor who has a product which may conform to Postal Service specifications can request that the product be reviewed for inclusion in the program. The vendor is sent a copy of the system requirements and the master buying agreement instructions and conditions. The vendor sends a detailed written response indicating how its system complies with the specifications. After the vendor's response is subjected to technical review, its system is tested. If the product is approved, a master buying agreement is executed with the vendor. Four master buying agreements for small key-type telephone systems are currently in force.

In the present case, the postmaster of the Pinellas Park post office contacted the Tampa Division for guidance concerning the purchase of a small telephone system. Division personnel referred the postmaster to Management Instruction AS-710-85-7, dated August 5, 1985,^{1/} and provided him with the names of the companies holding master buying agreements. The postmaster, apparently on his own, contacted EBC for a price quote, in addition to obtaining quotes from the master buying agreement companies.

After EBC gave the Pinellas Park postmaster its price quote, it contacted the Division and was told that award could not be made to EBC because they did not have a master

^{1/}This Management Instruction concerns the procedures to be used in acquiring telecommunication systems and services. It provides that small telephone systems are to be purchased at the MSC level from companies which have entered into master buying agreements with the Postal Service.

buying agreement. The Division then contacted the postmaster, and told him that he had to make award to a holder of a master buying agreement.

Meanwhile, EBC protested the response that it had received from the division that it was not eligible for award. It states that it has been placed on the bidders' list for telecommunications equipment and it cannot comprehend why it cannot be considered for award.

EBC has confused application to be on the bidders' list with application for a master buying agreement for small telephone systems. That it is listed on the bidders' list will enable it to participate in future competitive telecommunications solicitations, but does not enable it to participate in purchase of small telephone systems. No price quote should have been requested from EBC when it did not have a master buying agreement since it was ineligible for award.

The protest is denied.

William J. Jones
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[checked against original JLS 3/12/93]