

Government of the District of Columbia

CONTRACT APPEALS BOARD

1111 E STREET, N.W., SUITE 300

WASHINGTON, D. C. 20004



(202) 727-6597

September 12, 1989

John Dandridge, Jr., Executive Director
D.C. General Hospital
19th Massachusetts Avenue, S.E.
Washington, D.C. 20019

RE: CAB No. P-202
Protest of Advanced Medical Systems Inc.

Dear Mr. Dandridge:

This is to advise that the subject protest was filed with the Board on August 28, 1989. For your record, a copy of the protest is enclosed.

In accordance with the rules of the Board, you are required to:

1. Give notice of the protest to the appropriate parties (sec. 304) and inform the Board of the parties so notified.
2. Submit an agency report to the Board and furnish a copy to the appropriate parties (secs. 305.1-305.2).

Sincerely yours,

A handwritten signature in cursive script that reads "Rose M. Gillison".

ROSE M. GILLISON
Clerk of the Board

Enc.

cc: Thomas C. Fisher, Sales/Mkt. Mgr.

CAB FORM 1

Department of the Interior

Washington, D.C. 20012

September 17, 1963

John Dandridge, Jr., Director
General Hospital
1801 Massachusetts Avenue, N.E.
Washington, D.C. 20012

RE: Request of Advance Medical Center Inc.

Dear Mr. Dandridge:

This is to advise that the request for a copy of the Board on August 22, 1963, for your request a copy of the protest is enclosed.

In accordance with a ruling of the Board, the request is referred to the Board.

Give notice of the protest to the appropriate parties (sec. 304) and inform the Board of the parties so notified.

2. Submit an agency report to the Board and furnish a copy to the appropriate parties (sec. 305.1-305.2).

Sincerely yours,

ROSE M. CLARK
Clerk of the Board

Enc.

cc: Thomas C. Fisher, Esq., N.E.

D.C. GENERAL

P-203

ADVANCED
medical systems, inc.

925 Sherman Avenue • Hamden, CT 06514 • (203) 248-0500 • TWX 710-465-6346

August 25, 1989

RECEIVED

AUG 28 1989

Government of the District of Columbia
CONTRACT APPEALS BOARD *MMH*

Contracts Appeals Board
1111 E Street
Suite 300
Washington D.C. 20004

Ref: JFB No. 081-9-65-CW - Fetal Monitors

Dear Sir or Madam:

Advanced Medical Systems hereby protests the Award of Contract for the abovereferenced Solicitation to other than the lowest bidder.

Advanced Medical Systems followed the proper procedures and submitted a quotation for the Fetal Monitors. When we checked on the status of this bid we were told that we were the lowest bidder, but the order was issued to the THIRD lowest bidder, Hewlett-Packard. We were told that our bid was rejected on two counts:

1. Our IM-76 Fetal Monitor did not meet the requirements of the solicitation because it did not include Autocorrelation.
2. We did not specify leakage current on our brochure.

We do not feel that either of these objections are valid reasons to discard our bid for the following reasons:

1. Item 10. of your DESCRIPTION/SPECIFICATIONS on the Solicitation required Autocorrelation, and on our cover letter we stated that we meet or exceed requirements as stated. Our IM-76 Fetal Monitor, in fact, does have Autocorrelation (which we call Ultrasonic Signature Recognition).
2. Your DESCRIPTION/SPECIFICATIONS on the Solicitation does not specify leakage current limits, even though we are well aware that the hospital does have such limits. Our Fetal Monitors meet both the AAMI Standards and is approved and Listed under UL 544, both of which establish standards for leakage current for medical devices. Since these limits have become so universally accepted and are met by all major manufacturers of medical instrumentation, we started to omit them from sales brochures to streamline the specifications.

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AUG 20 1989

ORIGINAL

On August 1, 1989, we sent a letter to the Procurement and Contracts Branch (copy attached) stating our objection to the Award of Contract on the basis that the objections to our equipment were incorrect and that we did meet the advertised specifications. In response to that letter, they said "Your bid was rejected based on item offered not meeting specifications according to the literature submitted". We contend that this statement is untrue. Since we implicitly stated that we met the specification for autocorrelation and since there was no specification for leakage current, the only objection they could have is to the writing style on our brochure, and we feel this is not a valid reason for rejection of our bid.

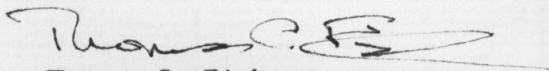
The second lowest bidder for these monitors was PPG Biomedical Systems who markets this same Fetal Monitor for us under their own name as a Model FM-670 Intrapartum Fetal Monitor. Since their sales literature shows both leakage current and Ultrasonic Signature Recognition (Autocorrelation), I am curious on what basis that bid was rejected.

We feel that the decision was made prior to bidding that the only Fetal Monitors to be considered were Hewlett-Packard and Corometrics because they are the best known, and all other bids would be rejected.

We therefore request that you review this situation and reconsider the Award of Contract in our favor. We further request that delivery against any Purchase Order issued on this solicitation be halted pending the results of such a review.

Please let me know of your findings on this matter. In addition, if you so require, I can come to Washington to attend a meeting of the Board to answer any questions on this matter.

Sincerely Yours,



Thomas C. Fisher
Sales/Mkt. Mgr.

1. The first part of the report is a general introduction to the subject of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

5. The fifth part of the report is a list of appendices.

6. The sixth part of the report is a list of figures and tables.

7. The seventh part of the report is a list of footnotes.

8. The eighth part of the report is a list of references.

9. The ninth part of the report is a list of appendices.

10. The tenth part of the report is a list of figures and tables.

11. The eleventh part of the report is a list of footnotes.

12. The twelfth part of the report is a list of references.

13. The thirteenth part of the report is a list of appendices.