

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-212434

DATE: November 28, 1983

MATTER OF: Isometrics, Inc.

DIGEST:

Protest concerning responsiveness of low bid which failed to supply shipping weights and dimensions for f.o.b. origin items is denied since agency reasonably determined that low bid remained most advantageous to government after evaluating probable and even improbable transportation costs.

Isometrics, Inc. (Isometrics), protests the proposed award of a contract to National Chassis Corporation (National) under invitation for bids (IFB) No. DAAE07-83-B-H638 issued by the Department of the Army for 69 trucks and other technical data. Isometrics contends that National's bid is nonresponsive with respect to subitems 15AC, 17AF and 17AM because National failed to supply the guaranteed shipping weights and dimensions for those f.o.b. origin items necessary to evaluate transportation costs. Isometrics bid line items 15 and 17, respectively, on an all-or-none basis and, even though Isometrics is not the low bidder on the remaining subitems, Isometrics argues that it is entitled to award on the total quantity of items 15 and 17.

We deny the protest.

At the outset, National raises the issue whether Isometrics is an interested party. Even if National's bid is found nonresponsive on subitems 15AC, 17AF and 17AM, National remains the low responsive bidder on the remaining subitems. Since Isometrics bid all-or-none on items 15 and 17, Isometrics would be entitled to award only if its offered price on the entire quantity of items 15 and 17 is lower than the total cost to the government resulting from individual awards to the low bidder under each subitem. We note, however, that the Army did not evaluate the transportation charges for all bidders on all items and, as a consequence, it is not possible to ascertain from the record whether Isometrics would be eligible for award even

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if National's bid is found nonresponsive on subitems 15AC, 17AF and 17AM. Therefore, we cannot conclude that Isometrics is not an interested party.

Generally, the failure to provide shipping weight and dimensions cannot be waived as a trivial defect and renders the bid nonresponsive. 48 Comp. Gen. 357 (1968). However, where the bidder has left no question that it intends to comply with all the specification requirements, the failure to provide shipping weights and dimensions will not make the bid nonconforming unless it clearly precludes the agency from determining with certainty whether the bid will be most advantageous to the government. Id. at 360-361.

The Army acknowledges that shipping weights and dimensions for each item were required by the IFB and that National failed to provide this information. However, the Army evaluated transportation costs as follows. Since items 15AC, 17AF and 17AM were destined for overseas shipment, the Army evaluated land transportation costs from point of manufacture to point of shipment, as well as overseas shipping costs. In evaluating inland transportation costs, the weight of the item determined the cost. For the evaluation of overseas shipping costs, the dimensions of the items were required. The Army indicates that the weight categories for inland transportation are divided as follows: 0-9,000 pounds, 9,000-25,000 pounds and 25,000-40,000 pounds. All bids for items 15AC, 17AF and 17AM fell within the 9,000-25,000 pounds' category and National also was placed in this category and assessed transportation charges accordingly.

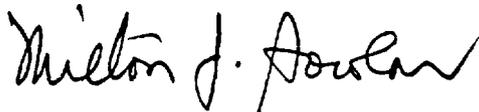
With respect to the overseas shipping costs, the dimensions of the items determine the cost and the Army indicates that the specification limited vehicle height to not greater than 106 inches and vehicle width to not exceed 96 inches. Length, however, was not provided and, as a consequence, the Army decided to utilize the largest dimensions submitted by any of the bidders in evaluating National's overseas transportation costs. The Army states that National was given every possible disadvantage in the transportation evaluation, yet National's overall bid of \$1,549,407.25 on items 15 and 17 still remained \$48,565.70 below Isometrics' bid. On this basis, the contracting officer concluded that National's bid would be most advantageous to the government.

Isometrics contends that unless National's bid or the specifications provide data from which the transportation charges can be conclusively established, National's bid must be rejected. Isometrics argues that the Army's use of another bidder's dimensions and weight data is improper and, in any event, fails to establish National's maximum possible transportation costs.

The record shows that the Army utilized the specifications and the weights and dimensions of another bidder in a light most unfavorable to National and concluded that National's evaluated price was substantially lower than the protester's. The Army also estimated the weight and dimensions which would be required to affect the relative standing of the bidders. The Army determined that even if the weight of National's items exceeded that of all other bidders (between 25,000-40,000 pounds) and the length dimension was estimated at an improbable 660 inches (almost twice the length as that submitted by any other bidder), National's bid would still remain low on these items by approximately \$5,000. The protester does not dispute these calculations. Furthermore, we find nothing improper in the agency's determination based on a combination of the specifications, other bidder's information, prior experience, realistic weights and dimensions and a worst case analysis of weights and dimensions. See 49 Comp. Gen. 496 (1970).

Therefore, on the basis of the record, we find that the Army could reasonably reach the conclusion that National's bid would be most advantageous to the government. Accordingly, National's failure to provide dimensions and shipping weight information may be properly waived.

The protest is denied.

for 
Comptroller General
of the United States