



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Herman Miller, Inc.

**File:** B-232839

**Date:** January 26, 1989

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### DIGEST

Protest against award for the leasing of systems furniture alleging that awardee, a mandatory, multiple-award Federal Supply Schedule contractor, failed to meet requirement for medium grade fabric for office panels, is denied where the record shows that awardee's quote complied with requirement, as reasonably defined by agency, for medium grade fabric.

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### DECISION

Herman Miller, Inc. protests the issuance of a delivery order to Haworth Inc., under request for quotations (RFQ) No. SE-88-022, issued by the Internal Revenue Service (IRS) for the leasing of systems furniture, including office panels. The order was placed against Haworth's mandatory, multiple-award Federal Supply Schedule (FSS) contract with the General Services Administration for the supply of systems furniture. Herman Miller, another FSS contractor, submitted the next low quote. The protester contends that the awardee failed to comply with the RFQ requirement for "medium grade fabric" for the office panels and that the IRS improperly waived that requirement in making an award to Haworth.

We deny the protest.

On August 12, the IRS issued a revised RFQ for this furniture. The RFQ called for medium grade fabric for the office panels and a color board of swatches of the proposed fabrics. Medium grade was not defined by the RFQ. The RFQ only contained a general quality requirement that the panels and components be of design, material and workmanship to withstand hard, daily usage over an extended life with a minimum of maintenance and repair. The only explicit fabric requirements were that the panel fabric be field

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retrofitable and that the fabric be available in a minimum of seven colors in each of two fabrics. The RFQ also provided that the award would be made to the firm with the lowest weighted price in accordance with a pricing formula contained in the RFQ. The agency found that Haworth submitted the low acceptable quote and issued a delivery order to Haworth on September 15. This protest followed.

The protester contends that the awardee's quoted fabric does not meet the RFQ requirement for a medium grade fabric because the fabric quoted is the lowest priced fabric on Haworth's FSS schedule; Miller reasons that the lowest priced fabric must be the lowest quality fabric. Miller concludes that the IRS improperly waived the medium grade requirement and asserts that it has been prejudiced by the agency's actions since if Herman Miller had proposed its lowest priced (i.e. lower grade) fabric, its quote would have been low.

The IRS states that although the term "medium grade fabric" is not defined in the RFQ, and none of the parties to this protest have provided evidence of an accepted industry standard or technical definition of the term, the agency applied a common sense definition based on its general needs as reflected in the RFQ. Specifically, the IRS evaluated medium grade as those fabrics between low grade and high grade quality, regardless of price, apparently consistent with the RFQ requirement that the materials should be able to withstand hard daily usage over an extended period. The agency found Haworth's product met its definition of medium grade fabric and its overall furniture needs.

In the absence of any definition of medium grade in the RFQ or an agreed upon industry or trade definition, we have no basis to conclude that the agency's definition is unreasonable. The protester has not challenged the agency's definition directly; rather, it contends that Haworth's fabric is not medium grade under any reasonable definition because the fabric quoted is Haworth's lowest priced fabric. Miller reasons that since Haworth has several other fabrics available on its FSS schedule, its medium priced fabric must be its medium grade fabric. Thus, Miller finds unreasonable the agency's evaluation of Haworth's fabric as medium grade. We disagree.

Where quotations are solicited from FSS vendors, the quotations are not offers that can be accepted by the government; rather, they are informational responses, indicating the products the vendors would propose to meet

the agency's requirements and the price of these products and related services, which the government may use as the basis for issuing a delivery order to an FSS contractor. There is no requirement that the quotation comply precisely with the terms of an RFQ since the quotation is not subject to government acceptance. See Crenlo, Inc./Emcor Products, B-228099, Nov. 6, 1987, 87-2 CPD ¶ 458. Under Federal Acquisition Regulations 8.405-1 (FAC 84-16), an agency must place orders against that multiple-award schedule contract which offers the lowest delivered price for products which meet the needs of the government. See Systematics, Inc., B-222559, July 24, 1986, 86-2 CPD ¶ 105. The determination of the minimum needs of an agency and which products on the FSS meet these needs is properly the responsibility of the contracting agency. Id.

In view of the discretion afforded the agency in determining whether a product meets its needs based on an RFQ, we find the agency's evaluation unobjectionable. The agency reports that its evaluation found that the fabric quoted was acceptable and met the definition of medium grade and the general quality standard set forth in the RFQ. We also reject as speculative Miller's contention that since Haworth quoted its low priced fabric, its fabric cannot be of medium grade.

Price, at best, is only one basis for determining the quality or grade of a product. The record indicates that one contractor's lowest priced fabric may very well be of a higher quality or grade than another contractor's highest priced fabric. There is no showing that product pricing is determined by fabric grade. In fact, the IRS notes that Herman Miller submitted its lowest priced fabric in response to a 1987 procurement requiring medium grade fabric, and that Herman Miller's product was found acceptable. Furthermore, the record indicates that some of the FSS contractors for this requirement list only one or two different fabrics available on their FSS contracts. If medium grade were to be defined as the medium priced fabric of those available from a contractor, as Herman Miller suggests, these one fabric contractors would effectively be precluded from competing for this requirement, even if their only available fabric would meet the functional requirements of the RFQ and the agency's needs. Thus, we find that Miller has not shown that the agency's evaluation of

Haworth's proposed fabric as acceptable was unreasonable. The protest is therefore denied. In view of our resolution of the protest, Herman Miller's claim for costs is also denied. See Hydroscience, Inc., B-227989 et al., Nov. 23, 1987, 87-2 CPD ¶ 501.



James F. Hinchman  
General Counsel