



Comptroller General
of the United States

Washington, D.C. 20548

1455213

Decision

Matter of: Spacesaver Corporation

File: B-246048

Date: December 27, 1991

Mark Haubenschild, for the protester,
Vera Meza, Esq., and Capt. Richard Gonzales, Esq.,
Department of the Army, for the agency,
Jan Montgomery, Esq., and Henry R. Wray, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Protest is denied where record does not support protester's
allegation that awardee's proposal failed to satisfy certain
solicitation specifications.

DECISION

Spacesaver Corporation protests the award of a contract to
H.O. Penn under solicitation No. DAAG60-91-R-0012, issued by
the United States Military Academy, for the acquisition of
high density mobile shelving. Spacesaver protests that the
system H.O. Penn proposed fails to comply with the minimum,
mandatory requirements of the solicitation.

We deny the protest.

The United States Military Academy issued the solicitation
to 44 vendors on June 3, 1991. Three amendments were made
to the solicitation. As amended, the solicitation included
a list of evaluation factors, which set out price/cost as
the most important factor. Five offers were received on
August 12, 1991. Discussions were held with each offeror,
and best and final offers (BAFOs) were received from all
five offerors on September 12, 1991.

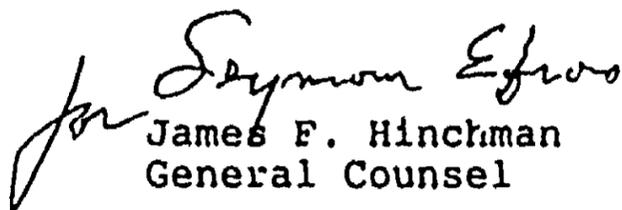
Based on its review of the BAFOs, the U.S. Military Academy
determined that H.O. Penn's proposal was the lowest cost,
technically acceptable offer in accordance with the stated
evaluation factors. On September 19, 1991, the U.S.
Military Academy awarded H.O. Penn the contract for line
item numbers 0001 and 0002, which are the acquisitions at
issue.

Spacesaver protests this award, alleging that the award was made for a system that did not meet the technical requirements for wheel load capacity and pallet positions specified in the solicitation. However, in Spacesaver's November 21, 1991, written comments on the agency report, it acknowledges that the H.O. Penn proposal did meet the specified number of pallet positions. Therefore, the only issue remaining is whether H.O. Penn's proposal meets the technical requirements for wheel load capacity.

The pertinent government specification, contained in section C1.18 of the Statement of Work, requires that the capacity per wheel assembly be at least 60,000 pounds. Spacesaver protests that H.O. Penn's proposed design is of lesser quality because it will utilize four wheels per assembly rather than two wheels. Spacesaver claims that two wheels per wheel assembly is the industry standard.

We find Spacesaver's argument to be without merit. With regard to the wheel load capacity, the solicitation did not mandate the manner in which the 60,000-pound capacity must be met.¹ The government's technical evaluator indicated that H.O. Penn's proposal is to use four wheels per assembly, with each wheel supporting 15,750 pounds. This amounts to a total capacity of 63,000 pounds per wheel assembly and meets the government's specifications.

Therefore, the protest is denied.


James F. Hinchman
General Counsel

¹To the extent that Spacesaver is now protesting the fact that the solicitation did not require a particular design for the wheel assembly, its protest is untimely. See 4 C.F.R. § 21.2(a) (1991).