



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Midwest America Corp., Refrigeration Division

File: B-258856

Date: February 15, 1995

George W. Clark for the protester.

Maj. Larry T. McRell, Department of the Air Force, for the agency.

C. Douglas McArthur, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where solicitation required contractors to use either steel beams or bar joists to support the ceiling of a walk-in freezer to be installed in a warehouse building, agency properly rejected bid that proposed to support freezer ceiling by rods attached to the warehouse ceiling.

DECISION

Midwest America Corp., Refrigeration Division, protests the award of a contract to Bangor Cooler Company under invitation for bids (IFB) No. F14614-94-B-0061, issued by the Department of the Air Force for a walk-in freezer. Midwest contends that the agency improperly rejected its bid, which proposed to support the ceiling by rods attached to the ceiling beams of the warehouse.

We deny the protest.

On August 25, 1994, the agency issued the IFB for a walk-in freezer and cooler, including installation, at building 950, McConnell Air Force Base in Kansas. The statement of work required a design that would "provide [a] free span structure using steel columns and steel beams or bar joists (no interior columns)."

On September 26, the agency received six bids (all of which included descriptive literature), and referred them to the end user for evaluation. This evaluation concluded that the protester's design used neither steel beams nor bar joists, and that Midwest instead intended to support the freezer ceiling from the existing roof. By letter dated September 28, the agency notified Midwest that its bid had

been rejected because it failed to conform to solicitation requirements, stating as follows:

" . . . Your firm's descriptive literature shows you intend to attach the ceiling supports to the existing ceiling structure, which is unacceptable per our contract requirement. The solicitation requires a free span structure."

This protest to our Office followed.

The agency counsel contends that the term "free spanning" is a term used in industry to describe a structure that is not dependent upon another structure for support. However, the counsel provides no support for his argument, and, in fact, the Dictionary of Architecture and Construction (2d ed. 1993) contains no reference to "spanning," although it does recognize the term "standing" (i.e., fixed at the lower end but not constrained vertically) and the term "span" (a structural member between two supports). Thus, to the extent that Midwest believed that the requirement for a "free span" structure merely required that the walk-in area be open and free of structural members--i.e., that the solicitation referred to a "free span" structure as another way of prohibiting the use of interior columns--this interpretation appears to be reasonable.

Nevertheless, the evaluators provided a different, and viable, explanation for their conclusion that the protester's bid did not meet the solicitation requirements. The evaluators explain that the reason the specification required a contractor to use either steel beams or bar joists is because the warehouse roof is not capable of supporting the freezer structure. The evaluators maintain that the protester's proposal to hang the freezer ceiling by rods from the existing roof conflicts with the requirement to use steel beams or bar joists.¹

In response, Midwest essentially contends that its design uses a bar joist. In the alternative, Midwest asserts that the solicitation is ambiguous and therefore should be construed against the drafter. Midwest concludes that our Office should reject the agency's interpretation of the specifications and direct the Air Force to find the protester's bid responsive.

¹According to contracting personnel who discussed the protest with Midwest, the protester proposed to attach the freezer to bar joists in the existing warehouse ceiling. The evaluators later advised the contracting personnel that the existing ceiling has no bar joists.

A solicitation requirement is ambiguous if it is susceptible to two or more reasonable interpretations when the solicitation is read as a whole. Astro-Valcour, Inc., B-257485, Oct. 6, 1994, 94-2 CPD ¶ 129. Midwest concedes that it could find no dictionary or encyclopedia reference to support its position--that rods suspended from the ceiling beams act as bar joists--but provides a definition supplied in a letter to Midwest by the Steel Joist Institute, a trade association. The Institute's correspondence, however, makes no reference to the protester's design for the freezer project and provides no basis to conclude that the protester's interpretation of the specifications is reasonable.

The Dictionary of Architecture and Construction refers to a joist as one of a series of parallel beams used to support a ceiling and supported by larger beams; the widest dimension is vertically oriented. The Steel Joist Institute defines a "bar joist" as an open web steel joist; a web consists of a group of members in a crisscross or zigzag array, as contrasted to a solid plate.² An open web steel joist ordinarily consists of a single bar, bent in a zigzag pattern.

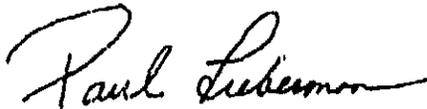
The protester's design, by contrast, does not involve the use of bars with crisscross patterns; the proposed rods are not zigzags but straight pieces of metal. More importantly, the rods proposed by the protester support the ceiling along their longitudinal axis; instead of supporting the roof along their width, they hold the roof along their length. Accordingly, we find no basis to conclude that Midwest's proposed use of supporting rods meets the solicitation restriction, which mandates the use of steel beams or bar joists.

The protester also contends that descriptive literature submitted by the awardee, Bangor, shows that the freezer ceiling will be suspended from the warehouse ceiling. In fact, Bangor's literature specifically offers internal beams, as an alternative to external beams or suspended ceilings. Midwest's assertion is based on a brochure supplied with the awardee's bid, a "photographic story" that illustrates one successful project. Nothing in the literature which it included indicates that Bangor cannot or will not perform in accordance with the IFB specifications.

²See Pevar Co., B-242353.2, Apr. 25, 1991, 91-1 CPD ¶ 407, for a discussion of the distinction between a bar joist and a purlin, which is a rectangular sheet of metal used for a similar purpose.

In short, the solicitation provided two specific alternatives for bidders--steel beams or bar joists. The design submitted by the protester uses neither, and instead offers a ceiling suspended by rods attached to the warehouse ceiling. As the protester's characterization of this system as utilizing bar joists is unreasonable, the rejection of Midwest's bid was proper and consistent with the solicitation.

The protest is denied.


for Robert P. Murphy
General Counsel