



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Tri-State Motor Transit Company

File: B-260608

Date: August 28, 1995

DIGEST

When a Department of Defense (DOD) shipper orders, and a carrier provides, an air-ride dropframe trailer, but the carrier's Guaranteed Traffic tender and the DOD rules which govern it provided rates and requirements for flatbed, air-ride flatbed, dropframe, and lowboy trailers without specifically mentioning air-ride dropframe trailers, and DOD's shipping practices recognize air-ride dropframe trailers as a distinguishable type of equipment, service using such equipment is not available under the Guaranteed Traffic tender, and the carrier is entitled to payment under the lowest available alternative rate authority.

DECISION

Tri-State Motor Transit Company requests that we review the General Services Administration's (GSA) disallowance of its claim of \$246.27 as an additional charge under government bill of lading (GBL) E-2,294,601. The first question presented is what equipment the Department of Defense (DOD) ordered; an air-ride dropframe trailer, as Tri-State contends, or whether it merely ordered an air-ride tractor trailer as GSA contends. If the air-ride equipment that was requested and provided had a dropframe, as the Military Traffic Management Command (MTMC) acknowledges, the second issue is whether Tri-State's Tender 600069 contained rates and charges for such equipment. We think that the record sufficiently supports Tri-State's position that DOD did request an air-ride dropframe trailer, and that service with such equipment was not available under Tender 600069. Tri-State is therefore entitled to payment under the rate authority yielding the lowest available charge to the government. We reverse GSA's settlement.

The GBL prepared by the DOD shipping activity, Dover Air Force Base, did not clearly specify the equipment to be used by the carrier. In one part, the GBL merely referred to an air-ride tractor and trailer combination. But in another part

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of the GBL, the government ordered a "45 S/D" and used the equipment code "AI3."¹ MTMC now agrees that an air-ride dropframe trailer was requested and provided. MTMC also agrees that Tri-State's Tender 600069 did not include service by air-ride dropframe trailers and recommends payment at the tariff rate as proposed by Tri-State.

MTMC is still concerned that Tri-State issued the GBL without clarifying obvious inconsistencies. MTMC correctly points out that Tri-State was responsible for issuing an accurate and complete bill of lading even if it was prepared by the shipper. See A-Line, Ltd., B-232072, Sept. 15, 1989, 89-2 CPD ¶ 232 and 52 Comp. Gen. 211, 213 (1972). While the GBL evidenced some confusion about the type of equipment DOD ordered, MTMC, in this case, eventually verified that DOD did order and receive an air-ride trailer with a dropframe.²

As indicated above, DOD's general shipping practices recognize air-ride dropframe trailers as a distinguishable type of equipment. The Guaranteed Traffic Rules Publication-Air Force Installations did not specifically mention this type of equipment as an equipment requirement, and Tri-State's Tender 600069 rates were limited, in relevant part, to flatbeds, air-ride flatbeds, dropframes, and lowboys. Accordingly, MTMC reasonably concluded that air-ride dropframes were not included in Tender 600069.

We reverse GSA's settlement and remand this matter to GSA to apply the lowest available tariff or tender charge for this service.

/s/Seymour Efros
for Robert P. Murphy
General Counsel

¹Apparently, the shipper borrowed this equipment code from page 8 of the Revised Tender Instructions to MT Form 364-R. This equipment code means a dropframe trailer, drop/step deck, air ride with 3 axles.

²To avoid similar problems in the future, Tri-State could exercise more vigilance in reviewing GBLs prepared by government shippers at the time it receives them.