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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-219555

DATE: September 27, 1985

MATTER OF: Baker Material Handling Corporation

DIGEST:

1. Agency's determination that a quotation for a forklift is not acceptable because it does not meet the height requirements set forth in the specifications is proper.
2. Protester's interpretation of solicitation's specification is unreasonable in view of language of a related provision of the specification. Solicitations are to be interpreted by reading them as a whole and construing them in a reasonable manner.

Baker Material Handling Corporation protests award under request for quotations (RFQ) No. DABT43-85-Q-0221, issued by the Department of the Army, Carlisle Barracks, Pennsylvania, for a forklift. Baker contends that the agency improperly rejected its lower price quotation for failure to meet the minimum specifications set forth in the solicitation.

The protest is denied.

The RFQ was issued on a "brand-name-or-equal" basis and provided that the forklift was to be a "Clark Model EC 500/40 or equal" in accordance with the minimum requirements set forth at attachment "I." Attachment "I," as amended, provided as follows with regard to the requirement for the height of the forklift:

"Height of lift when extended - 118 inches

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"Maximum fork height: 118"

"Overall height lowered 77"

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In response to the RFQ, Baker offered its model B40CE forklift. In its quotation, Baker inserted "117" next to the specification requirements in attachment I for the height of the lift when extended and for the maximum fork height. As an alternate, Baker offered the B40CE forklift with an "optional mast" with 128 inches maximum fork height and an overall lowered height of 83 inches.

The Army determined that Baker's quotation was unacceptable because the forklift offered did not meet the solicitation's requirement that the height of the lift be 118 inches when extended. The forklift with the optional mast was rejected because the overall height of the lift when lowered--83 inches--was higher than the specification's required lowered height of 77 inches.^{1/}

Our Office will not disturb an agency's determination that an offeror's proposed product does not meet its minimum needs absent a clear showing by the protester that the agency's determination was unreasonable. See Venram Inc., B-214657, July 2, 1984, 84-2 C.P.D. ¶ 7; see also All Star Dairies Inc., B-209188, Jan. 31, 1983, 83-1 C.P.D. ¶ 107.

The agency has advised that its specifications for the height of the lift when extended of 118 inches and for an overall lowered height of 77 inches are critical requirements. The protester has not provided any evidence which would rebut the agency's position in this regard. Baker does contend, however, that the agency should not have rejected its quotation since the solicitation simply requires that the forklift's height be 118 inches "maximum." Baker argues that so long as a forklift does not exceed this maximum height, it is acceptable. The Army states that the contracting activity specified "maximum fork height 118" so that offerors would know that the lift need go no higher than 118 inches. The agency also observes that Baker's interpretation ignores another specification requirement that the height of the lift "when extended" be 118 inches.

We reject as unreasonable the protester's interpretation of the solicitation's specifications regarding the required height of the forklift. Solicitations must be interpreted by reading them as a whole and construing them in a reasonable manner and, whenever possible, effect must be given to each word, clause, or sentence. See JVAN, Inc., B-202357, Aug. 28, 1981, 81-2 C.P.D. ¶ 184 at 7-8.

^{1/} Baker has not protested the rejection of its optional mast.

We believe that the reading of each of the height specifications in the light of the other eliminates any potential ambiguity in the specifications' requirements. When the specification for a maximum forklift height of 118 inches is read in conjunction with the specification requiring 118 inches for the height of the lift when extended, it is clear that the specifications require that the forklift, when extended, be capable of extension to 118 inches in height.

Since the forklift offered by Baker does not extend to a height of 118 inches as is clearly required by the solicitation's specifications, the agency properly found it to be unacceptable. Under these circumstances, it is irrelevant that Baker may have quoted a lower price than the successful firm.

The protest is denied.

for Seymour Egan
Harry R. Van Cleave
General Counsel