

Protest of ) Date: September 22, 1992  
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 DOUG THOMPSON TRUCKING )  
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 Solicitation No. 432-4023-92 ) P.S. Protest No. 92-67

### DECISION

Doug Thompson Trucking ("Thompson") timely protests the terms of Solicitation No. 432-4023-92, issued August 3, 1992, by the Columbus Transportation Management Service Center ("TMSC"), for highway transportation service on an "as needed" basis between a mailer's plant at Lebanon Junction, KY, and the Cincinnati, OH General Mail Facility.

Thompson argues that the solicitation is vague or ambiguous in three particulars:

1. The solicitation includes a table displaying a schedule of departure and arrival times. Thompson argues that the inclusion of such a schedule in a solicitation for "as needed", i.e. unscheduled, service is confusing.
2. Thompson makes a similar argument about another table of docksortation and loading times at the origin and unloading times at the destination.
3. The solicitation requires that the contractor furnish one "Two Axle Tractor (Single Drive)" and four 48 foot tandem axle trailers, with a vehicle payload weight of at least 47,000 pounds. Thompson argues that a "two axle" tractor has two axles, one in the front and one in the rear, and that a 47,000 payload requires a tractor with two rear axles (also called a "tandem axle" tractor) for a total of three axles per tractor.

The contracting officer make the following points in reply:

1. The presentation of a route schedule in the solicitation is for the purpose of allowing

bidders to determine the run times and mileage's for the route. The contracting officer points to text in the solicitation describing the schedule times as "not necessarily reflect[ing] the actual operation times", and characterizing their use as "a representation of the time required to perform the service." The contracting officer also points to two places in the solicitation at which the service is described as "as needed" or "as needed ... based on volume," and to a statement in the legend under the schedule table that "[t]rips will normally operate between 0700 and 2359."

2. The purpose of the schedule of dock sortation and loading times and unloading times is similar to the purpose of the route schedule: to give bidders information necessary to prepare their bids. The contracting officer points to a legend characterizing the sortation and loading/unloading schedule as presenting "[a]pproximate daily average loading and unloading times...."

3. The vehicle specifications in the solicitation were prepared using the Postal Service's Highway Contract Support System which provides common nomenclature for all tractor-trailer solicitations, and which has, since its inception 1985, described tandem axle single drive tractors as "Two Axle Tractor[s](Single Drive)." The contracting officer states that the TMSO has not been apprised of any confusion with this standard nomenclature, and that Thompson's comments in its protest regarding the need for a tandem axle tractor for a 47,000 pound payload, and the fact that Thompson submitted a responsive bid within the "area of consideration" for award, establish that Thompson understood the solicitation to require a tandem axle tractor.

### Discussion

Generally, specifications must be sufficiently definite and free from ambiguity so as to permit competition on an equal basis; an ambiguity exists where two or more reasonable interpretations of a solicitation requirement are possible. Telemarc, Inc., Comp. Gen. Dec. B-242339, April 15, 1991, 91-1 CPD & 375. The mere allegation that a solicitation is ambiguous does not, however, make it so. Pulse Electronics, Inc., Comp. Gen. Dec. B-243769, August 2, 1991, 91-2 CPD & 122. Where a dispute exists as to the actual meaning of a solicitation requirement, our Office will resolve the matter by reading the solicitation as a whole and in a manner that gives effect to all provisions of the solicitation. See Id.

Reading the route schedule in context, we are not persuaded that it presents an ambiguity. The plain statement which occurs at two places in the solicitation that trips would be called for on an "as needed" basis, coupled with the legend describing the schedule as "representative" and as not necessarily reflective of actual operating times, is, in our judgment, sufficiently clear to make reasonable only one interpretation of the intended purpose of the schedule, as the contracting officer suggests. Similarly, we view the schedule of dock sortation and loading and unloading times, in context with

the legend characterizing the schedule times as "approximate daily average[s]", as sufficiently clear to be susceptible to only one reasonable interpretation.

Thompson makes a persuasive case that, taken in isolation, the requirement for a "Two Axle Tractor" is ambiguous. The protest itself demonstrates, however, that a 47,000 pound payload requirement dictates the use of a tractor with two rear axles. We also take the contracting officer's point that a standard Postal Service specification for tandem tractors which has been employed since 1985 without known controversy has withstood the test of the marketplace sufficiently that it cannot reasonably be said to be susceptible to two reasonable interpretations.

The protest is denied.

William J. Jones  
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Office of Contracts and Property Law