

60-Second Sustains: American Material Handling, Inc.

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American Material Handling, Inc. B-422171

- The Agency, the International Boundary and Water Commission, was buying a brand name or equal wheel loader on a lowest price, technically acceptable basis.
- The RFQ stated that the proposed loader had to “meet the salient features or specifications of the [brand name product] or exceed the specifications attached,” and included a two-page specification sheet.
- After receiving quotations, the contracting officer added salient characteristics—not expressly included in the solicitation—to the technical evaluation form to be considered during evaluations.
- The Agency evaluated the two quotes received and found the protester not technically acceptable based on the salient characteristics added after submission of quotes.
- GAO sustained the protest of the evaluation, noting that, in a “brand name or equal” acquisition, the agency has an obligation to inform vendors of the characteristics that are essential to the government’s needs; a product offered as an “equal” one need not meet unstated features of the brand name product.
- Here, GAO found the agency “appeared to be deciding what characteristics it considered to be salient for the first time during its evaluation of quotations.”

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National Law Review, Volume XIV, Number 25

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