



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20543

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B-176628

July 9, 1973

Carpet and Draperies Contract
Company, Incorporated
3215 Rhode Island Avenue
Mt. Rainier, Maryland 20832

Attention: Mr. Richard Gartner
President

Gentlemen:

By letter dated May 8, 1973, you alleged that the change in carpet manufacturer under a contract awarded by the General Services Administration to Shields Associates, Incorporated (Shields), for carpeting of the New Library Building, United States Naval Academy, Annapolis, Maryland, requires a solicitation of new bids and cancellation of the original contract. In this regard, you state that General Services Administration (GSA) personnel examined "color samples as each arrived one by one at the Naval Academy" and it is your belief that the "color samples" represented a new submission of samples and you were not given a fair chance to compete.

The above-noted contract called for approximately 15,800 square yards of carpet, carpet cushion and their installation at the New Library Building, United States Naval Academy, Annapolis, Maryland. In our decisions of January 24 and April 30, 1973, B-176628, we sustained the rejection of your low bid because of your failure to submit color samples with this bid.

Concerning the change in the carpet manufacturer by the successful bidder after the contract was awarded, we pointed out in our decision of April 30, 1973, that the manufacturer was changed in order to guarantee delivery of the product within the time specified and that the contractor was warned that the change did not relieve it of its contractual responsibility to supply a carpet which matched the color and appearance of the approved samples. It has been administratively reported that Naval Academy officials matched the delivered carpet upon its arrival at the Naval Academy with their pieces of the approved color samples that had previously been submitted with the Shields bid and that the delivered carpet was found to meet the contract requirements.

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We do not believe that the change in carpet manufacturer represents a significant change in the scope of the contract so that the contract should have been terminated and the procurement resolicited. 50 Comp. Gen. 540 (1971).

You contend that GSA personnel "had time and was willing to wait for color samples as each arrived" but that your bid was rejected on the "insignificant technicality" that your bid samples were submitted late. As noted in our previous decisions, your bid was rejected due to the late submission of bid samples. It is a fundamental rule of advertised bidding that in order to be considered for award, a bid must comply in all material respects with the invitation for bids both as to the method and timeliness of submission and as to the substance of any resulting contract. To permit contracting agencies to accept bids not complying in substance with the advertised specifications or to permit bidders to vary their proposals after the bids are opened would soon reduce to a farce the whole procedure of letting public contracts on an open competitive basis. B-165639, February 14, 1969. Therefore, we do not agree that your bid was rejected because of a mere technicality.

Accordingly, we affirm our decisions of April 30 and January 24, 1973.

Sincerely yours,

Paul G. Dambling

Acting Comptroller General
of the United States