

Becker



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Golden West Envelope Company  
**File:** B-270787  
**Date:** December 29, 1995

### DECISION

Golden West Envelope Company protests the rejection of its bid as nonresponsive by the Government Printing Office under program No. 3975-S, for failure to sign the required Certificate of Procurement Integrity. Golden West states that "to the best of [its] knowledge [it has] never approached near \$100,000 in sales" and that it therefore should not be required to submit the certification.

We dismiss the protest.

A bid is responsive as submitted when it offers to perform without exception the exact thing called for in the solicitation and acceptance of the bid will bind the contractor to perform in accordance with all the material terms and conditions. Stay, Inc., B-237073, Dec. 22, 1989, 89-2 CPD ¶ 586.

The Certificate of Procurement Integrity requirement, set forth at Federal Acquisition Regulation § 52.203-8, implements the Office of Federal Procurement Policy (OFPP) Act, 41 U.S.C. § 423, a statute which bars agencies from awarding contracts exceeding \$100,000 unless a bidder or offeror certifies in writing that neither it nor its employees have any information concerning violations or possible violations of the procurement integrity provisions of the OFPP Act set forth elsewhere in 41 U.S.C. § 423. Shifa Servs., Inc., 70 Comp. Gen. 502 (1991), 91-1 CPD ¶ 483. As a result of the substantial legal obligations imposed by the certification, omission from a bid of a signed Certificate of Procurement Integrity when that certificate is required is a material deficiency requiring that the bid be rejected as nonresponsive. See FAR § 14.404-2(m); Hein-Werner Corp., 71 Comp. Gen. 421 (1992), 92-1 CPD ¶ 484; Mid East Contractors, Inc., 70 Comp. Gen. 383 (1991), 91-1 CPD ¶ 342. A nonresponsive bid may not be accepted, even if the bid would provide savings to the government, because the public interest in maintaining the integrity of the competitive bidding process outweighs any monetary benefit to be obtained from waiving material bidding deficiencies. Sac & Fox Indus., Ltd., B-231873, Sept. 15, 1988, 88-2 CPD ¶ 250.

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As for the suggestion that the requirement should not apply in this case, the requirement for the Certificate was apparent from the face of the solicitation. Therefore, any challenge to it should have been filed prior to the bid opening date. See generally Hein-Warner Corp., supra; Sunrise Int'l Grp., Inc. and Anderson Bros. Truck & Trailer Div., a Joint Venture, B-255223, Feb. 16, 1994, 94-1 CPD ¶ 117. Our Bid Protest Regulations specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. Section 21.2(a)(1), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(1)); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287.

The protest is dismissed.

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