

DECISION

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

FILE: B-182664

DATE: February 21, 1975

MATTER OF: Garamond Pridemark Press

DIGEST:

Bid which omitted price for two items was properly rejected as nonresponsive where solicitation requires bidder to bid on all items listed, because omissions affect bidder's basic obligation to deliver supplies being procured. Furthermore, bidder's subsequent offer to not charge for omitted items does not make bid responsive since responsiveness of bid must be determined at bid opening.

Garamond Pridemark Press (Garamond) protests the award of a contract to the next low bidder under Government Printing Office (GPO) invitation for bids, Program 312-5, production of folders and booklets for the National Park Service, Department of Interior.

The solicitation divided the work into two categories. Category I was for the production of booklets and folders with four-color process illustrations, and Category II was for all other orders. The solicitation contemplated a requirements-type contract for these publications. GPO reports that where historical data permitted, estimated quantities were set forth in the solicitation and bidders were advised that their bids would be evaluated by multiplying their unit rates by the estimated quantities. Thus evaluated, the three bids received for Category I were as follows:

O'Neil/Vanskiver, Inc.	\$157,319.35
Garamond/Pridemark Press (Garamond)	\$177,809.70
A. Hoen & Company, Inc.	\$192,542.60

Since O'Neil/Vanskiver, Inc. was determined nonresponsive, Garamond, as second low bidder, came under consideration for award. However, an examination of Garamond's bid revealed that it had failed to insert unit rates for Items 2(a)(6) and 2(a)(7), separate covers for four-color process booklets. Subsequent to bid opening Garamond stated that its unit rates were \$75 for Item 2(a)(6) and \$84 for Item 2(a)(7). Later, it offered both items for "no charge". GPO remained of the opinion that the omissions rendered Garamond's bid nonresponsive, and award of Category I was made to A. Hoen as the lowest responsive and responsible bidder.

The solicitation provided in pertinent part that:

"Bidder may quote prices for either or both Categories; however, for each Category on which he bids, he must submit a quotation for each item listed in that Category. Failure to quote on all items listed in that Category, or any other omission, obliteration, or alteration to the specifications applicable to that Category or the order and manner of submitting prices herein, may be reason for REJECTION OF BID."

Garamond contends that since the IFB states that an omission "may be reason' for rejection rather than "will be cause" for rejection, the rejection of its bid is not compelled by the terms of the IFB. Also, Garamond alleges that the two omissions were merely clerical errors of no significance in view of the approximately two hundred items contained in the solicitation. Furthermore, it is asserted that the two prices were not material to the total amount of the bid, and that because after discovery of the omissions Garamond offered to make "no charge" for the items, the rejection of its bid was improper.

The Federal Procurement Regulations (FPR) § 1-2.405 (1964 ed.) provides that a defect in a bid may be waived as immaterial only if its effect upon price, quantity, quality or delivery terms is "trivial or negligible". Even if it is conceded that the omitted prices would not have affected the relative standing of the bidders, we believe a proper basis existed for the rejection of Garamond's bid. The intent of this procurement clearly was to fulfill all of the National Park Service's requirements for Category I publications from a single contractor. That intent could not be legally enforced through the acceptance of Garamond's bid, because the firm's omission of prices for Items 2(a)(6) and 2(a)(7) negated its basic obligation to furnish those supplies. See 52 Comp. Gen. 886, 889-93 (1973). Since a defect of this character is more than "trivial or negligible", the contracting officer correctly rejected the bid, and the protest is therefore denied.


Deputy Comptroller General
of the United States