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Proc II*

**DECISION**



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

**FILE: B-190906**

**DATE: March 30, 1978**

**MATTER OF: Thermal Control Inc.**

**DIGEST:**

Where solicitation calls for submission of personnel resumes with bids for use in determining compliance with specified experience requirements, failure of low bidder to submit these resumes with its bid does not require bid rejection since material pertains solely to bidder's responsibility and may be submitted after bid opening.

Thermal Control Inc. (Thermal) has protested the award of a contract to Johnson Controls, Inc. (Johnson) under invitation for bids (IFB) No. F29650-77-B-0984, issued by the Department of the Air Force, Kirtland Air Force Base, New Mexico.

The solicitation required the successful bidder to furnish all plant, labor, equipment, material, and perform all operations necessary to provide full maintenance and/or repair of all refrigeration and air conditioning in Building 325 at the base.

Thermal, the second low bidder, contends that Johnson's low bid should have been rejected because the bid was not accompanied by resumes as required by Paragraph D-3 of the solicitation. That paragraph provided:

**"D-3 Experience Requirements**

"Bids will be evaluated for technical acceptability based on qualifications of contractor employees to be employed on the site to perform the services called for herein. The complete resumes of all personnel proposed to be utilized herein must be submitted with the offeror's

bid. The minimum qualifications for contractor employees is three (3) years experience in the type of work called for herein. Formal training, up to 1 year, in this type of work may be substituted for the same length of experience."

Johnson furnished the resumes to the contracting officer after bid opening. After determining them to be satisfactory, the contracting officer made award to Johnson.

It is well settled that solicitation provisions requiring the submission of information necessary to determine compliance with specified bidder experience requirements pertain solely to the bidder's responsibility, i.e., its overall capacity to perform the prospective contract, and that this information need not be submitted with the bid but may be furnished up to the time of award. See Continental Service Company, B-187700, January 25, 1977, 77-1 CPD 53; Bryan L. and F.B. Standley, B-186573, July 20, 1976, 76-2 CPD 60. This is so regardless of any solicitation language requiring submission of the information with the bid. 52 Comp. Gen. 389 (1972); 52 id. 647 (1973).

It is clear that the resume requirement was related to the bidder's ability to perform and therefore went to the responsibility of the bidder. Accordingly, notwithstanding the inappropriate language of paragraph D-3 regarding submission of the resumes with the bid, the contracting officer's action in accepting Johnson's resumes after bid opening was legally permissible, and the ensuing award is therefore not subject to legal objection.

Accordingly, the protest is denied.

*R. F. K. M.*  
Deputy Comptroller General  
of the United States