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PL II

FILE: B-196077

DATE: October 12, 1979

MATTER OF: Keuffel &amp; Esser Company

*[Protest of Bid Rejection for Failure to Furnish Bid Guarantee]*  
 DIGEST:

1. Failure to furnish bid guarantee before bid opening as required by IFB renders bid nonresponsive and requires bid's rejection.
2. When it is clear from initial submission that protest lacks legal merit, protest will be summarily denied without benefit of agency report.

CNO 931

AHC 16

Keuffel & Esser Company (K&E) protests the rejection of its bid for failure to furnish a bid bond before bid opening as required by Veterans Administration's invitation for bids (IFB) 101-9-78. K&E submitted a bond 37 minutes after opening. It is clear from K&E's submission that the protest lacks legal merit; therefore, we have not requested a report from the contracting agency, and we summarily deny the protest. See Alpha Sigma Investment Corporation, B-194629.2, May 17, 1979, 79-1 CPD 360.

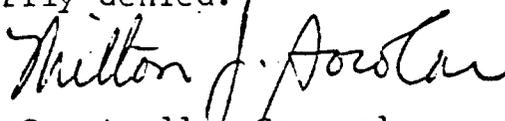
A bidder's failure to submit a bid bond or bid guarantee prior to bid opening as required by an IFB renders a bid nonresponsive and the bid must be rejected except in the limited circumstances set forth in Federal Procurement Regulations (FPR) § 1-10.103-4, none of which is present here. Burns Electronic Security Services, Inc., B-191312, November 27, 1979, 79-1 CPD 1; 42 Comp. Gen. 725 (1963); 38 Comp. Gen. 532 (1959).

K&E contends that it would be in the Government's best interest to award this contract to K&E because its low bid is almost \$30,000 lower than the next lowest bidder's. The fact that award will be made at a higher price does not mean it is in the Government's interest to waive the bid bond requirement since we have

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repeatedly held that the resulting monetary savings do not outweigh the public interest in strictly maintaining the public bidding procedures. Burns Electronic Security Services, Inc., supra.

The protest is summarily denied.



**Acting** Comptroller General  
of the United States