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DECISION

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

FILE: B-196513

DATE: November 6, 1979

MATTER OF: Uscher Business Forms, Inc. DLG03 282

DIGEST: [Protest of Bid Rejection as Nonresponsive]

Bid which imposes condition at variance with substance of terms of invitation for bids properly rejected as nonresponsive, and nonresponsive bid may not be corrected after bid opening to make bid responsive.

Uscher Business Forms, Inc., protests the rejection of its bid as nonresponsive under United States Government Printing Office (GPO) jacket 299-625, an invitation for bid (IFB) for the manufacture of 1,000,000 seven part forms. Among other things, the solicitation offered bidders the option of using 32 pound bond for parts 4, 5 and 6 of the form. Uscher indicated in its bid that the paper option for parts 4, 5 and 6 "will be 12 lb. C.W. Bond" (an option not provided in the specifications). Uscher asserts that it intended to conform with the specification requirements but that by mistake it included the 12 lb. limitation. AGC000178

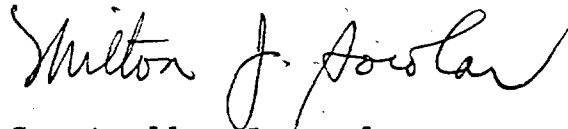
This case is one in which it is clear from the protester's initial submission that the protest is without legal merit, and we will therefore decide the matter on the basis of this submission without requesting an agency report. Furgo Northwest, Inc., B-196078, October 11, 1979, 79-2 CPD ____.

The concept of responsiveness is concerned with the legal obligation assumed by a bidder in the bid as submitted, i.e., whether the bidder has unequivocally offered (and is therefore legally obligated) to provide the requested items or services in total conformance with the terms of the IFB. See J. Baranello and Sons, 58 Comp. Gen. 509, (1979), 79-1 CPD 322. Thus, a bid which imposes conditions at variance

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with the substance of the terms of the Government's advertisement may not be accepted by the contracting officer nor "corrected" after bid opening to make it responsive. See Redifon Computers Limited--Reconsideration, B-186691, June 30, 1977, 77-1 CPD 463. We believe it is clear that Uscher imposed a substantive condition in its bid--the use of a paper not permitted by the IFB. The bid was therefore properly rejected.

The protest is summarily denied.



For The Comptroller General
of the United States