

PLCB

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DECISION



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

FILE: B-198435

DATE: May 1, 1980

MATTER OF: Hennes Erecting Co., Inc.

[Protest of Bid Rejection as Nonresponsive]

DIGEST:

Agency rejection of nonresponsive bid and of subsequent offer to perform in accordance with specifications was proper since nonresponsive bids must be rejected and may not be modified after bid opening.

Hennes Erecting Co., Inc. (Hennes) protests the rejection of its bid by the Veterans Administration (VA) under Invitation for Bids (IFB) No. 585-8-80.

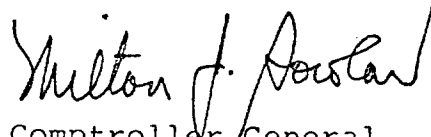
The VA found Hennes' low bid to be nonresponsive to the IFB's requirements. The specifications called for metal enameled cladding in lieu of which Hennes proposed to furnish fiberglass insulation and canvas jacket.

Hennes states that after bid opening it offered to meet the specification requirements and that the VA should have accepted that offer rather than accept the second low bid at considerably more expense to the Government.

We do not agree. Federal Procurement Regulations §1-2.404-2(b) provide that any bid which fails to conform to the essential requirements of the IFB shall be rejected as nonresponsive. Sunoptic, Inc., F-194722, May 14, 1979, 79-1 CPD 351. Moreover, it is well settled that a nonresponsive bid may not be modified after bid opening, since to allow a bidder to decide, after competitor's bids have been exposed, whether to make his bid acceptable would compromise the integrity of the competitive bidding system. Veterans Administration re Welch Construction, Inc., B-183173, March 11, 1975, 75-1 CPD 146.

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The protest is summarily denied.

A handwritten signature in dark ink, appearing to read "Milton J. Fowler". The signature is written in a cursive style with a large, sweeping initial "M".

For the Comptroller General
of the United States