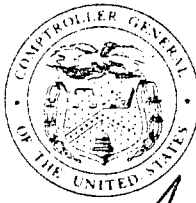


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DECISION



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

[Protest Alleging Awardee's Bid Was Nonresponsive]

FILE: B-200315

DATE: September 30, 1980

MATTER OF: Seacoast Trucking & Moving

DIGEST:

1. Failure of low bidder to submit with bid required detailed description of equipment to be used in performing refuse collection services did not render bid nonresponsive. Required description related to responsibility and, therefore, could be submitted after bid opening.
2. When it is clear from protester's submission that protest is without legal merit, decision will be rendered without requiring report from procuring agency or holding conference requested by protester.

[Seacoast Trucking & Moving (Seacoast) protests the award of a contract to H.E. Bouffard Company (Bouffard) under invitation for bids (IFB) No. F27604-80-B0026 issued by the Department of the Air Force.]

[The IFB, which is for refuse collection, requires each bidder to submit a detailed description of the equipment it intends to use in furnishing collection services. Bouffard, the low bidder, did not submit this information until after bid opening. The contracting officer determined that Bouffard's bid was responsive and that Bouffard was responsible. Seacoast, the next low bidder, contends that Bouffard's failure to submit the detailed description of equipment before bid opening rendered its bid nonresponsive.] We disagree.

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Unless something on the face of the bid limits, reduces, or modifies the obligation of a prospective contractor to perform in accordance with the terms of the invitation, the bid must be considered responsive. Exide Power Systems Division, ESB, Inc., B-194237, August 6, 1974, 74-2 CPD 83. Here, the terms of the IFB call for furnishing refuse collection services and not for furnishing equipment, except as an incident to performing the services. Hence, the failure to supply information concerning equipment does not affect Bouffard's obligation to furnish the collection services in accordance with the requirements of the IFB and, therefore, does not render the bid nonresponsive. 53 Comp. Gen. 397 (1973).

Rather, the requirement to provide information on the type of equipment to be used relates to the capacity and ability of prospective contractors to perform the required services, and, thus, is a matter of responsibility. See 53 Comp. Gen. supra. Where the requirement for submission of data is for the purpose of determining responsibility of the bidder rather than responsiveness of the bid, the data may be provided subsequent to bid opening. Airwest Helicopters, Inc., B-193277, June 7, 1979, 79-1 CPD 402. This is so despite the fact that the invitation calls for the information to be submitted with the bid. 52 Comp. Gen. 389 (1972); id. at 647 (1973).

Because we believe it clear from Seacoast's initial submission to our Office that the protest is without legal merit, we have reached this decision without requiring a report from the procuring activity. See Re Con Paving, Inc., B-198294, April 24, 1980, 80-1 CPD 297. It follows that Seacoast's request for a conference is denied.

(The protest is summarily denied.)

Milton J. Fowler

For the Comptroller General
of the United States