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DECISION



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

FILE: B-200251

DATE: November 28, 1980

MATTER OF: Jantron, Inc. **DLG 05604**

DIGEST:

[Protest of Bid Rejection]

Where contracting agency admits bid should not have been returned to bidder, but envelope resubmitted by bidder after bid opening shows signs of having been opened and resealed, contracting officer's decision to reject bid is sustained, since affidavits and copy of purported bid to show that opening and resealing occurred prior to original bid submission and that there was no tampering of bid is self-serving.

Jantron, Inc., protests the rejection by the United States Government Printing Office (GPO) of its bid for program 358-M. **AGC 60178**

Although the Jantron bid envelope referenced program 358-M and the bid opening was extended to September 2, 1980, by amendment, apparently it was mailed back to Jantron, because the envelope stated on the face that it was for an August 27, 1980, bid opening and it was received on August 28, 1980. When Jantron received the bid envelope back from GPO after the opening of bids, Jantron contacted the contracting officer who requested the bid envelope to be returned to GPO.

GPO admits that the Jantron bid should not have been returned to Jantron. However, because the envelope showed signs of being opened and resealed, the contracting officer decided not to open the envelope and consider the bid.

Jantron protests the contracting officer's refusal to consider the bid, because it states that the bid envelope was opened and resealed prior to the August 28 submission and that it has been furnished in the same

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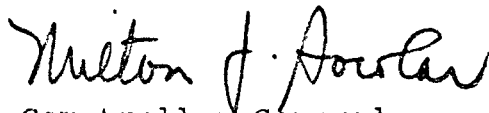
condition it was submitted originally. Jantron has presented affidavits to this effect. Also, it has provided a copy of the bid to show that no changes were made after the return by the GPO.

We do not consider the protest to have merit.

We have stated on occasion that when a bid has been returned to a bidder, the bid cannot be considered for award if the bidder resubmits the bid after bid opening even if the return to the bidder was improper. See Jerry Warner and Associates, 57 Comp. Gen. 708 (1978), 78-2 CPD 146; and Dima Contracting Corporation, B-186487, August 31, 1976, 76-2 CPD 208. However, we have permitted bids to be considered for award when they were erroneously returned to the bidders and upon appropriate examinations of the resubmitted bids, it appeared that there had been no tampering with the original envelopes. Metalsco, Incorporated, B-187882, March 9, 1977, 77-1 CPD 175; B-173306, September 27, 1971; and 50 Comp. Gen. 325 (1970).

In the present case, the original bid envelope had been opened and resealed. Although Jantron has submitted affidavits that this was done prior to the original submission of the bid, there is no corroboration from GPO that the bid originally was received in this condition and we are not aware of how it could be determined by independent analysis when the opening and resealing occurred. The copy furnished by Jantron of what is purported to be the original bid to establish that there was no tampering of the bid is as self-serving as the affidavits supplied. In the circumstances, we conclude that preserving the integrity of the competitive bidding system requires that the Jantron bid be rejected. See Free State Builders, Inc., B-184155, February 26, 1976, 76-1 CPD 133.

Accordingly, the protest is denied.



For The Comptroller General
of the United States