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**DECISION**



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

FILE: B-202961

DATE: August 25, 1981

MATTER OF: Ramal Industries Inc.

**DIGEST:**

Bidder who offered a bid acceptance period shorter in duration than that requested in invitation may not extend that period in order to qualify for award. To permit such an extension would be prejudicial to other bidders who offered the requested acceptance period.

Ramal Industries Inc. (Ramal) protests award to Revere Copper and Brass Incorporated (Revere) under invitation for bids No. DAAA09-81-B-0022, issued by the United States Army Armament Materiel Readiness Command for procurement of copper cones for M483A1 projectiles.

Ramal contends that Revere should not be allowed to extend its bid because it only offered a 30-day bid acceptance period while a 60-day acceptance period was requested. The Army argues that the bid extension made be allowed because it was offered before the Revere bid had expired. We agree with Ramal.

In B-162000, September 1, 1967, we held that a bidder who submits an acceptance period of a shorter duration than the period requested in the solicitation has no right to extend its acceptance period. Also, in Timberline Foresters, 59 Comp. Gen. 726 (1980), 80-2 CPD 195, we held that a bidder who submits a bid acceptance period that is shorter than that requested accepts the risk that an award may not be made before that shorter acceptance period expires.

We recognize that both of these decisions involved situations where the bid had expired before the bidder attempted to extend the acceptance period. We are aware of no prior decision that involves the exact

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situation here, i.e., whether a bid which offers less than the requested bid acceptance period may be extended prior to the initial acceptance period expiring.

However, we believe the same result is required. Where a bidder offers less than the requested acceptance period, he has not assumed as great a risk of price or market fluctuations as did other bidders.

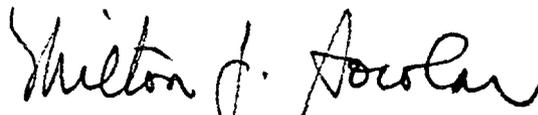
Further, section 2-404.1(c) of the Defense Acquisition Regulation, the regulatory guidance concerning acceptance period extensions, states:

"(c) Should administrative difficulties be encountered after bid opening which may delay award beyond bidders' acceptance periods, the several lowest bidders should be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties if any) in order to avoid the need for readvertisement."

We believe this regulation addresses the situation where the requested bid acceptance period is about to expire. Here, only Revere's bid would have expired prior to 60 days after bid opening. Since other bids would have remained available for award, Revere should not have been permitted to extend its bid beyond the original 30 days. See 42 Comp. Gen. 604, 607 (1963) and 48 Comp. Gen. 19, 21 (1968).

Because of the above holding, it is unnecessary to discuss other issues raised by Ramal.

The protest is sustained and Revere's bid should not be considered for award.

  
Acting Comptroller General  
of the United States