

DECISION

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

Chaplin
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FILE: B-208415

DATE: November 9, 1982

MATTER OF: Tennessee Apparel Corporation

DIGEST:

The inclusion of a Data Universal Numbering System number of a corporation other than the bidder in a bid form may be waived as a minor informality, since the bid form indicated that the bidder was a sole proprietorship, contained the name and address of the bidder and the signature and title of the proprietor, and stated the place of performance as the bidder's location, so that the evidence is sufficient to indicate the bidder's intent to be bound.

Tennessee Apparel Corporation (TAC) protests the Defense Logistics Agency's (DLA) award of a contract for men's cold weather trousers to Morganstern Trouser Co. under solicitation (IFB) DLA100-82-B-0788. TAC complains that the Data Universal Numbering System (DUNS) number listed on the front of the bid beneath the name "Morganstern Trouser Co." actually is that of Morganstern Pants Co., a corporation owned by the proprietor of Morganstern Trouser Co. A DUNS number is a nine-digit number assigned to a business by Dun & Bradstreet, Inc., for computer identification purposes. We deny the protest.

TAC contends that the use of the incorrect DUNS number created a patent ambiguity as to the identity of the bidder, resulting in a non-binding commitment by the bidder and thus an improper award. DLA, which reports that it requests DUNS numbers only for a procurement-related data collection system, contends that the use of an incorrect DUNS number created only a minor irregularity in the bid which does not provide a basis for rejection of the bid.

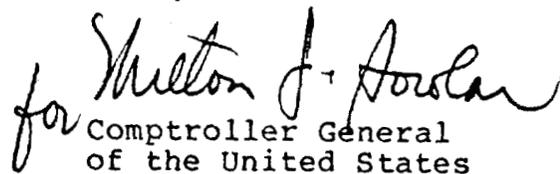
In response to the protest, the awardee advises that Harold Morganstern, the owner of Morganstern Pants Co. and the proprietor of Morganstern Trouser Co., conducted his business as Morganstern Pants Co., a corporation, until 1981. At that time, Harold Morganstern

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changed the form of his business to a sole proprietorship, which he named Morganstern Trouser Co. Since its formation, Morganstern Trouser Co. has conducted all business previously conducted by Morganstern Pants Co.

We reject TAC's position that the inclusion of the DUNS number of Morganstern Pants Co. created an ambiguity as to the identity of the bidder, since we believe the bid sufficiently identified Morganstern Trouser Co. as the entity submitting the bid, preventing that entity from avoiding the contract after bid opening. See Mark II, Inc., B-203694, February 8, 1982, 82-1 CPD 104. The bid expressly identified Morganstern Trouser Co. as the bidder in a number of places; the bid stated the name and address of Morganstern Trouser Co. as the offeror; Harold Morganstern signed the bid and stated his capacity as "Proprietor"; the bid stated under "type of business organization" that the bidder operated "as an individual"; and in the Place of Performance Clause, the plant name and location listed was that of Morganstern Trouser Co. These factors clearly establish the intent to bid by Morganstern Trouser Co., so that the Government's acceptance of the bid will bind that firm to perform the contract as advertised. See Airwest Helicopters, Inc., B-193277, June 7, 1979, 79-1 CPD 402. We therefore agree with the contracting officer's waiver of the irregularity as a minor informality.

The protest is denied.

for 
Comptroller General
of the United States