

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

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FILE: B-212785**DATE:** September 2, 1983**MATTER OF:** Inge Ellefson**DIGEST:**

Rejection of a bid from an incumbent contractor as nonresponsive is proper when the bid is unsigned and not accompanied by other material indicating the bidder's intention to be bound.

Inge Ellefson protests the rejection of her bid submitted in response to invitation for bids (IFB) No. DABT01-83-B-0104-4 for instruction as a language lab monitor at the Army's Education Center, Fort Rucker, Alabama. The Army rejected the bid, which contained the bidder's typewritten name and address, because it was unsigned.

We summarily deny the protest.

Ms. Ellefson argues that the exclusion of her signature from the bid form was a minor informality waivable under the authority of Defense Acquisition Regulation (DAR) § 2-405(iii) (1976 ed.). She states her intent to be bound by her bid is evident from the fact that her typewritten name and address were present on the bid form, and from the fact that she currently is performing the same services.

Normally, a bid which is not signed must be rejected as nonresponsive because, without an appropriate signature, the bidder would not be bound upon acceptance of the bid. Ace Art Company, Inc., B-202353, April 1, 1981, 81-1 CPD 252. That is why DAR § 2-405(iii) provides that a failure to sign a bid such as this one may be corrected or waived as a minor informality only if the firm submitting the bid has formally adopted or authorized the execution of documents by the typewritten signature and submits evidence of such authorization, or the unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid document (for example, a bid guarantee or a signed letter referring to and identifying the bid itself).

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Ms. Ellefson does not allege that her bid was accompanied by other material indicating an intention to be bound or by evidence that her typewritten name was authorized. Thus, we must view the bid as nonresponsive. William D. Walston & Associates, B-211669, May 17, 1983, 83-1 CPD 528. Moreover, the fact that the protester is the incumbent contractor does not make the bid responsive since prior performance alone is not sufficient to indicate an intention to be bound if an unsigned bid is accepted. Ace Art Company, Inc., *supra*.

It is clear from the initial submission by Ms. Ellefson that the protest lacks legal merit. Therefore, we have decided the protest without the conference requested by Ms. Ellefson as it would serve no useful purpose. Medical Gas & Respiratory Services, Inc., B-207360, June 2, 1982, 82-1 CPD 529.

The protest is denied.

Harvey R. Van Cleave
for Comptroller General
of the United States