

DECISION

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

FILE: B-212830

DATE: October 4, 1983

MATTER OF: C&M Machine Products, Inc.

DIGEST:

Bid was properly rejected as nonresponsive for failure to acknowledge material solicitation amendments despite bidder's failure to receive amendments, since bidder does not suggest that agency deliberately attempted to exclude bidder from competition.

C&M Machine Products, Inc. (C&M), protests the rejection of its bid under Department of the Army (Army) invitation for bids (IFB) No. DAAE07-82-B-H019.

The Army rejected C&M's bid as nonresponsive because C&M failed to acknowledge material amendments to the IFB. C&M admits that it failed to acknowledge the amendments, but contends that its bid should not have been rejected because C&M never received the amendments.

We deny the protest summarily.

A bidder's failure to acknowledge a material amendment to an IFB renders a bid nonresponsive. Rockford Acromatic Products Company, B-208437, August 17, 1982, 82-2 CPD 143.

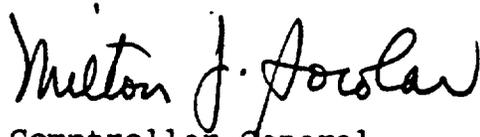
The fact that the bidder did not receive the amendment is not relevant unless the failure resulted from a conscious or deliberate effort by contracting officials to exclude the bidder from competition. Marino Construction Company, Inc., B-204970, February 25, 1982, 82-1 CPD 167.

C&M does not deny that the amendments were material. C&M points out that one amendment increased the quantity in the IFB by more than 60 percent. An amendment increasing substantially the quantity solicited is material. Rockford Acromatic Products Company, supra.

Further, C&M does not suggest that it failed to receive the amendments because of a deliberate attempt to exclude it from competition. In fact, the Army has advised us informally that it did not send C&M the amendments because C&M was not on the bidders mailing list and the Army was not aware of C&M's interest in the IFB until the bids were opened.

026843

In the circumstances, we conclude that the rejection of the bid was proper.

for 
Comptroller General
of the United States