

DECISION

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

FILE: B-215036

DATE: June 28, 1984

MATTER OF: Buildings By Thrift, Inc.

DIGEST:

Where discrepancy between minimum advertised rate for particular species of sawlogs and rate actually bid is clearly negligible, bid is responsive and pricing defect may be corrected as minor informality.

Buildings by Thrift, Inc. (BBT), protests the rejection of its bid as nonresponsive to the solicitation for the John Roland Branch Timber Sale, conducted by the United States Forest Service, Department of Agriculture.

We sustain the protest.

The solicitation called for sealed bids offering to purchase various species of government-owned timber. Minimum acceptable bids were set forth for each species and the minimum advertised rate for yellow poplar logs was set at \$57.39 per unit. Bids were opened on April 16, 1984. BBT was the high bidder with an overall bid of \$68,734.28. Thrift Brothers Lumber Co., Inc. (Thrift Brothers), was the second high bidder at \$61,149.44. The contracting officer noted, however, that BBT bid only \$55.39 on the yellow poplar portion of the sale. Since this bid was below the minimum acceptable rate, the contracting officer rejected BBT's entire bid as nonresponsive.

BBT claims that it intended to bid the required minimum for all species and that its bid on the yellow poplar contained an unintentional typographical error which it should be permitted to correct. Based on our decision in W-1 Forest Products, Inc., B-204168.2, Feb. 17, 1982, 82-1 C.P.D. ¶ 138, the Forest Service agrees and has no objection to awarding BBT this contract should we sustain the protest. Thrift Brothers, in commenting on the protest, argues that BBT's bid is nonresponsive and should be rejected.

Although, as a general rule, a bid must be rejected as nonresponsive where it does not strictly conform to the solicitation's terms and conditions, this rule does not

apply to deviations which are immaterial or matters of form rather than substance. We have held that where the discrepancy between the minimum advertised rate for a particular species of timber and the rate actually bid is clearly "negligible," the discrepancy may be viewed as a minor informality and the pricing defect may be corrected. W-1 Forest Products, Inc., B-204168.2, supra.

We believe that BBT's bid of \$55.39 per unit of yellow poplar instead of the specified minimum of \$57.39 was a minor informality. The Forest Service indicates that BBT's bid would have been \$90 higher (for a total bid of \$68,824.28) had BBT bid the minimum rate for yellow poplar and that this discrepancy represents approximately 0.0013 percent of BBT's total bid. Since BBT was the high bidder, there is no possibility that any other bidder would be prejudiced by an upward adjustment of \$90 in BBT's bid. Accordingly, we conclude that BBT's bid is responsive and that the \$90 pricing defect can be corrected as a minor informality.


Acting Comptroller General
of the United States