

**DECISION**



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

*Agency  
PL-II*

30014

**FILE:** B-217249

**DATE:** December 17, 1984

**MATTER OF:** Gerentine-Cutrone Sand and Gravel,  
Inc.

**DIGEST:**

Bid is properly rejected as nonresponsive where acceptance period offered in bid is shorter than minimum period required in solicitation. Bid may not be corrected and made responsive after bid opening, even where failure to specify minimum acceptance period may have been due to typographical error by bidder.

Gerentine-Cutrone Sand and Gravel, Inc. protests the rejection of its bid as nonresponsive under solicitation No. DAAG60-84-B-6151 for sand and gravel, issued by the United States Military Academy. We summarily deny the protest.

The solicitation required a minimum bid acceptance period of 60 days. It also contained the following provisions:

"(d) In the space provided immediately below, a bidder may specify a longer acceptance period than the Government's minimum requirement. The bidder allows the following acceptance period: \_\_\_ calendar days.

(e) A bid allowing less than the Government's minimum acceptance period will be rejected."

The protester inserted "10" in the space provided in paragraph (d). Consequently, the Academy rejected the bid as nonresponsive. The protester maintains that it intended to offer a 100-day acceptance period, and the insertion of a 10-day period in its bid form was due to a typographical error. The protester requests that the bid be corrected to read 100 days and accepted.

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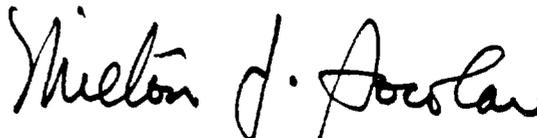
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A solicitation requirement that a bid remain available for a prescribed period is material and failure to comply with a material requirement renders a bid nonresponsive and ineligibile for consideration for award. Bridgewater Construction Corp., B-214187, Feb. 14, 1984, 84-1 CPD # 201. Further, even though the protester's failure to specify the minimum acceptance period may have been due to a typographical error, the protester's bid may not be corrected and made responsive after bid opening, since allowing correction would give the protester which limited its acceptance period an unfair competitive advantage over other bidders which offered the required longer period. See Miles Metal Corporation, 54 Comp. Gen. 750 (1975), 75-1 CPD # 145; Bridgewater Construction Corp., supra.

The protester appears to argue that it should be allowed to correct its bid because the item being procured is not subject to price fluctuation; prior solicitations have not contained the same minimum acceptance period provision; and acceptance of its bid would be in the government's best interest. None of these assertions, however, provides a basis for waiving the general rule that nonresponsive bids may not be corrected after bid opening. See Bridgewater Construction Corp., supra.

Finally, the protester argues that the acceptance period provision is confusing as it could be interpreted to mean that the number of days inserted by a bidder represents the period, in addition to the minimum 60 days required, for which the bid will be kept open. We find no merit to the argument as the provision clearly states that if the bidder wishes to offer a longer period it must fill in the blank with its offered acceptance period. This clearly refers to the total acceptance period offered not to the number of days offered in addition to the required period. In any event, the protester does not argue that it intended to offer an acceptance period of 70 days (the 60 days required plus the 10 it inserted in the blank); it states that it meant to offer 100 days.

Thus, we conclude that the Academy properly rejected the protester's bid for failure to specify the minimum acceptance period called for in the solicitation, and we deny the protest.

for   
Comptroller General  
of the United States