

DECISION



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

FILE: B-220424 **DATE:** November 21, 1985
MATTER OF: R&R Roofing and Sheet Metal, Inc.

DIGEST:

Failure to complete nonmaterial representations and certifications in a bid does not render the bid nonresponsive.

R&R Roofing and Sheet Metal, Inc. (R&R), protests that the bid submitted by H. T. Boggs Company (Boggs) to the Bureau of Prisons in response to solicitation No. 6-28-001, for work to be done at a federal correctional institute in Ashland, Kentucky, is nonresponsive because it fails to include several representations and certifications. We dismiss the protest.

R&R alleges that Boggs failed to provide the following information in its bid:

- Previous Contracts and Compliance Reports
- Notice for Requirement for Affirmative Action to Ensure Equal Employment Opportunity
- Certification of Independent Price Determination
- Contingent Fee Representation and Agreement
- Type of Business Organization - Formal Advertising
- Parent Company and Identifying Data
- Small Business Concern Representation
- Small Disadvantaged Business Concern Representation
- Women Owned Small Business Concern Representation
- Certification of Non-Segregated Facilities

A bidder's failure to complete certifications and representations that have no bearing on whether the bid constitutes an unequivocal offer to provide the product or service does not affect the bid's responsiveness. See K.P.B. Industrial Products, Inc., B-210445, May 24, 1983, 83-1 C.P.D. ¶ 561. Pursuant to the Federal Acquisition

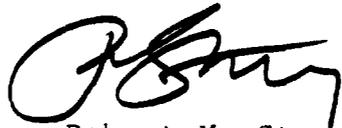
Regulation, 48 C.F.R. § 14.405 (1984), such a defect in a bid, defined as one that has little or no effect on price, quantity, quality, or delivery, can be waived or corrected.

The cited regulation expressly states that the certifications involving Previous Contracts and Compliance Reports and Affirmative Action Compliance are not material. Therefore, bids lacking these certifications remain responsive.

Further, our Office has held that FAR, 48 C.F.R § 14.405, also encompasses the Certification of Independent Price Determination, the Contingent Fee Representation and Agreement, the Type of Business Organization item, the Parent Company and Identifying Data item and the Small Business and Small Disadvantaged Business Representations, so that noncompletion of these items generally does not render a bid nonresponsive. Dependable Janitorial Service and Supply, B-190956, Apr. 13, 1978, 78-1 C.P.D. ¶ 283.

The Certification of Non-Segregated Facilities and the Women Owned Small Business Concern Representation are of the same nature as the above-cited representations in that completion of the items is not necessary to determine whether a bid meets the requirements of the specifications and, therefore, does not involve responsiveness of the bid. In this respect, we further note that submission of an offer in itself is sufficient to signal a Certification of Non-Segregated Facilities, according to the language of this item.

Boggs' failure to complete the representations and certifications cited by R&R thus does not render the bid nonresponsive. The protest is dismissed.



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Deputy Assistant
General Counsel