

**DECISION**

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

**FILE:**

B-222154

**DATE:** March 13, 1986**MATTER OF:**

Makoor Products Mfg. Company

**DIGEST:**

Bid is properly rejected where bidder failed to submit price for first article production and there was no showing by some notation that production would be at no cost to government.

Makoor Products Mfg. Company (Makoor) protests the rejection of its bid for water indicating paste under invitation for bids DLA400-86-B-1669 issued by the Defense Logistics Agency (DLA).

DLA rejected Makoor's bid because Makoor did not insert any price or any notation denoting "no charge" for the first article production item samples to be tested by the government. Makoor states that it did not intend to charge for the first article production samples and that the absence of any notation or price in its bid for that item conveyed its intent.

We dismiss the protest.

When a bidder fails to submit a price for a required item, the bidder generally cannot be obligated to perform that service as part of the other services for which prices were submitted. General Engineering and Machine Works, Inc., B-190379, Jan. 5, 1978, 78-1 C.P.D. ¶ 9. However, to show that the bidder intends to be obligated to provide a service, a bidder may also insert next to the required item a notation to the effect that the price will be at "no cost" or "no charge" to the government. Yonker, Inc., B-189869, Dec. 22, 1977, 77-2 C.P.D. ¶ 495. Since Makoor failed to insert a notation that the price of required first article production would be at no cost, Makoor was not legally obligated in its bid to furnish the required samples at no cost to DLA notwithstanding its stated intent which was first made known after bid opening. Therefore, its bid was properly rejected. See Baltimore Electronics Associates, Inc., B-217499, Jan. 16, 1985, 85-1 C.P.D. ¶ 46, where we indicate

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that, if a bidder intends to furnish first article production at no cost to the government, the bid for that production to be responsive must contain an affirmative indication like the words "no charge."

In addition, Makoor contends that DLA failed to give prompt notice of the rejection of its bid. Since the rejection of Makoor's bid was proper, DLA's alleged failure did not materially prejudice Makoor.



Robert M. Strong  
Deputy Associate  
General Counsel