

# DECISION



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

FILE: B-222595 DATE: June 9, 1986  
MATTER OF: Meyer Tool and Mfg., Inc.

## DIGEST:

Bid that deviates from the required delivery schedule is nonresponsive and may not be corrected even though the deviation reflected only clerical error.

Meyer Tool and Mfg., Inc. protests the decision by the Defense Nuclear Agency (DNA) to reject its bid as nonresponsive under invitation for bids (IFB) No. DNA002-86-B-0007 for vacuum pumping modules.

We dismiss the protest.

DNA rejected Meyer's bid because the firm's proposed 210-day delivery schedule exceeded the delivery schedule required by the IFB. The IFB specified a desired delivery schedule of 120 days and a required schedule of 180 days. The IFB also provided that if the bidder proposed no other delivery schedule, the desired 120-day schedule would apply.

Meyer alleges that, due to a clerical error, the numbers in its proposed delivery period were transposed from 120 days to 210 days. Meyer argues that it should be allowed to correct this clerical error, and that the best interests of the government would be served by the acceptance of its low bid.

In order to be responsive, a bid must be consistent with the solicitation, and, if accepted, must bind the bidder to perform in accordance with all the material terms and conditions thereof. Balongas, S.A., B-215153, July 23, 1984, 84-2 CPD ¶ 86. A delivery date that does not conform to the requirements contained in the

IFB renders a bid nonresponsive and the delivery date may not be corrected after bid opening even though the date allegedly resulted from a clerical error. Id.<sup>1/</sup> Moreover, a bidder's actual intention to be bound by an invitation's material requirements, such as the delivery schedule, cannot render acceptable a bid that on its face modifies the bidder's legal obligation to perform. Ferguson Electric & Plumbing, Inc., et al., B-213001, Nov. 28, 1983, 83-2 CPD ¶ 620. Therefore, DNA acted properly in rejecting Meyer's bid.

As to Meyer's assertion that acceptance of its low bid would be in the best economic interest of the government, the possibility that the government might realize a monetary savings by waiving a material deviation in the bid does not outweigh the importance of maintaining the integrity of the competitive bidding system by rejecting nonresponsive bids. Fraser-Volpe Corp., B-213910, Dec. 28, 1983, 84-1 CPD ¶ 35. Although this rule may seem harsh to Meyer, and it is unfortunate that a clerical error led to the rejection of Meyer's bid, the bidder bears the burden of insuring that its bid conforms to the IFB requirements. Id.

The protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel

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<sup>1/</sup> Such a bid may not be corrected under rules governing mistakes in bid since errors in bids which may be corrected are those that do not affect the responsiveness of a bid. Kaydon Corp., B-214920, July 11, 1984, 84-2 CPD ¶ 41.