



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Valencia Technical Services, Inc.

File: B-223288

Date: July 7, 1986

DIGEST

Rejection of protester's unsigned offer and award to another offeror is proper since attempted acceptance of the protester's offer would not result in a binding contract without resort to confirming the protester's intention to be bound after the closing date for receipt of proposals, which would be unfair to other offerors.

DECISION

Valencia Technical Services, Inc. (VTS), protests the rejection of its offer under request for proposals No. 600-90-86 issued by the Veterans Administration (VA) for the servicing of equipment at the VA Medical Center, Long Beach, California. The agency rejected VTS's offer because it was not signed. VTS contends that the deficiency should be correctable as a clerical error, and points out that its price was 42 percent below the awardee's.

Any offer which is not signed, and lacks some other material indication of the offeror's intention to be bound, generally must be rejected since the government's acceptance of the offer would not result in a binding contract without resort to confirming the offeror's intention to be bound. See Wilton Corp., 64 Comp. Gen. 233 (1985), 85-1 CPD ¶ 128; 48 Comp. Gen. 801 (1969). In this regard, the RFP's "Preparation of Offers" clause specifically required a signed offer, while the "Contract Award" clause advised that the government could award a contract on the basis of initial proposals and stated that a written award or acceptance would result in a binding contract without further action by either party. Where a solicitation contemplates a possible award based on initial offers, it would be unfair to other offerors to ask the offeror of an unsigned offer, after the established date for submitting offers, whether it intends to be bound by its offer. See 48 Comp. Gen. supra.

Accordingly, the VA properly rejected VTS's proposal.

Regarding the alleged monetary savings associated with VTS's proposal, the maintenance of confidence in the integrity of the government procurement system outweighs the possible monetary advantage to be gained

035941

by considering the unsigned proposal. See Jack Burney, B-218426,
Apr. 24, 1985, 85-1 CPD ¶ 468.

The protest is dismissed.



for Ronald Berger
Deputy Associate
General Counsel