



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Coast Canvas Products II Co., Inc.
File: B-225017
Date: November 7, 1986

DIGEST

1. When specifications must be changed, agencies must accomplish this by amendment, considering whether there is a need to extend bid opening date. Even if opening is extended, any bids received before the time set must be kept secure and unopened.
2. The General Accounting Office generally will deny protests against extensions of bid opening date that are intended to give offerors sufficient time to prepare their bids and to review their prices. This is because the effect of the extension is to enhance, rather than restrict, competition.

DECISION

Coast Canvas Products II Co., Inc. protests the Defense Logistics Agency's (DLA's) extension of opening date for invitation for bids (IFB) No. DLA100-86-B-0074. The firm, which states that it submitted a "No Bid" response 3 days before the original opening date because of confusion as to the specifications, appears to assume that the agency opened bids and then extended the opening date.

We dismiss the protest.

The Defense Personnel Support Center, Philadelphia, Pennsylvania, a DLA field activity, issued the solicitation for temper tent components on August 26, 1986; it originally specified September 26 as bid opening date. There followed a series of three amendments, each of which changed the specifications. Although amendment 1 did not change the opening date, amendment 2, issued September 29, extended it to October 7, and amendment 3, issued October 7, extended it to October 16.

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By letters addressed to the procuring activity that it attaches to its protest, Coast Canvas sought an explanation for the extensions. By letter dated October 4, the firm noted that amendment 2 had been issued 3 days after the original opening date and that its copy of this amendment had not been postmarked until October 1, which was 5 days after opening date. The firm indicated that it had not had an opportunity to review the specification changes and stated that the extension to October 7 did not provide it with a realistic opportunity to do so. In addition, Coast Canvas questioned the value of doing so, "since bid responses were already opened September 26" By letter dated October 14, the firm acknowledged receipt of amendment 3 and indicated that it was still seeking an explanation for the date of issuance of amendment 2. In its protest our Office, the firm complains of DLA's failure to respond to these letters.

When specifications must be changed, agencies are required to accomplish this by amendment. Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.208(a) (1985). Before issuing an amendment, contracting officials must consider the period of time remaining until bid opening and whether there is a need to extend it. When only a short time remains, the FAR states that "consideration should be given to notifying bidders of an extension of time by telegrams or telephone. Such extension must be confirmed in the amendment." 48 C.F.R. § 14.208(b).

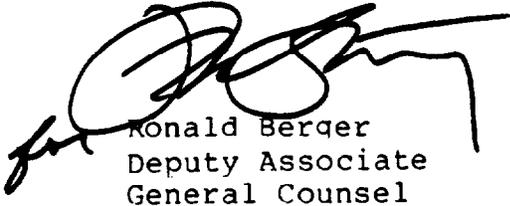
Here, DLA obviously issued both amendments extending bid opening date, and the protester obviously received them. Moreover, under appropriate circumstances, the FAR specifically permits postponement of bid opening even after the time set for it. 48 C.F.R. § 14.402-3. We cannot, therefore, find the agency's action improper.

The protester's assumption that DLA could have opened bids, reviewed them, and then extended opening date is incorrect. Even if opening is extended, the FAR requires bids received before the time set to be kept secure and unopened until that time. If DLA had opened bids on either September 26 or October 7 and had been dissatisfied with the results, it would have been required to reject them all before canceling the IFB and resoliciting. 48 C.F.R. § 14.404-1.

Finally, we have denied protests against opening date extensions when they were intended, as appears to have been the case here, to give offerors sufficient time to prepare their bids or proposals and to review their prices. See,

e.g., Tolica Construction Co., B-213028, Feb. 28, 1984, 84-1 CPD ¶ 244; Solar Resources, Inc., B-193264, Feb. 28, 1979, 79-1 CPD ¶ 95. This is because the effect of such extensions is to enhance, rather than restrict, competition. Coast Canvas does not allege that it could not have reviewed the specification changes added by amendment 3 and submitted a bid by October 16, the date the agency advises us that it actually opened bids.

The protest is dismissed.



Ronald Berqer
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