



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: J.S. Petersen and Company, Inc.
File: B-228792
Date: September 1, 1987

DIGEST

When a bidder, either by intent or mistake, specifies in its bid an acceptance period less than the minimum period expressly required by the government in the solicitation, the bid is nonresponsive on its face and must be rejected.

DECISION

J.S. Petersen and Company, Inc., protests the rejection of its low bid as nonresponsive under invitation for bids (IFB) No. DTCG26-87-B-00056, issued by the Coast Guard. The procurement is for construction of piles for navigation structures in the New Jersey Intracoastal Waterway, Rehoboth Bay and Indian River Bay. Petersen complains that the Coast Guard improperly determined that its bid was nonresponsive for offering a bid acceptance period less than the minimum 60-day period required by the government in the solicitation.

We dismiss the protest without obtaining a report from the Coast Guard, since it is clear from the material furnished on behalf of Petersen that the protest is without legal merit. 4 C.F.R. § 21.3(f) (1987).

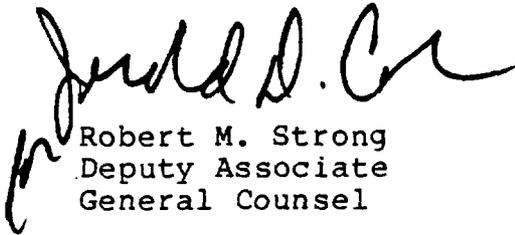
The Coast Guard rejected Petersen's low bid because it offered a 30-day acceptance period instead of the required minimum acceptance period of 60 days. The IFB stated that bids offering acceptance periods of less than 60 days would be rejected, and provided an underscored space for a bidder to indicate the number of calendar days its bid would remain open for acceptance. Petersen inserted the figure "30" in the blank provided. Petersen now contends that it actually meant to write "30 days over and above the minimum."

A bid acceptance period mandated in a solicitation is a material requirement which must be complied with at bid

opening in order for the bid to be responsive. General Elevator Co., Inc., B-226976, Apr. 7, 1987, 87-1 C.P.D. ¶ 385. When a bidder fails to specify in its bid that it is offering an acceptance period at least as long as that required by the government, the bid must be rejected. Allstate Guards and Security Services, Inc., B-213284, Nov. 16, 1983, 83-2 C.P.D. ¶ 576. Compliance with the required minimum bid acceptance period is necessary so that all bidders share the same business risks of leaving their bids open for acceptance by the government for the same minimum amount of time. General Elevator Co., Inc., B-226976, supra, 87-1 C.P.D. ¶ 385 at 2.

A nonconforming acceptance period specified in a bid is not a minor irregularity or mistake which may be explained, changed, or corrected after bid opening. Central States Bridge Co., Inc., B-219559, Aug. 9, 1985, 85-2 C.P.D. ¶ 154. By inserting the figure "30" in the space provided, Petersen legally committed itself to only a 30-day acceptance period. Any explanations for that action cannot now be considered after bids have been opened. McGrail Equipment Co., Inc., B-222091, Mar. 26, 1986, 86-1 C.P.D. ¶ 293. Petersen's low bid was, therefore, properly rejected as nonresponsive.

The protest is dismissed.



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