



The Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

Matter of: Orbas & Associates

File: B-228443

Date: January 7, 1988

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### DIGEST

Bid that fails unambiguously to commit the bidder to the required completion date is nonresponsive.

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### DECISION

Orbas & Associates protests the rejection of its apparent low bid as nonresponsive under invitation for bids (IFB) No. N62474-86-B-4479, issued by the Department of the Navy, China Lake, California, for the rehabilitation of office and laboratory space. We deny the protest.

The IFB required contract completion not later than 120 days after the date set for commencement of the work, which was to be 15 days after the date of the award. The Navy rejected Orbas' bid as nonresponsive because the bid included the statement: "Project cannot be completed in 120 days unless Phase I and Phase II work can be pursued at the same time. Otherwise project will take 210 days." The Navy reports that Orbas appeared to be reserving the right to complete the work 90 days later than required if concurrent performance of certain portions of the work proved not to be possible. Orbas argues that the only logical way to interpret its bid is that the firm would accomplish the work within 120 days by performing Phases I and II concurrently.

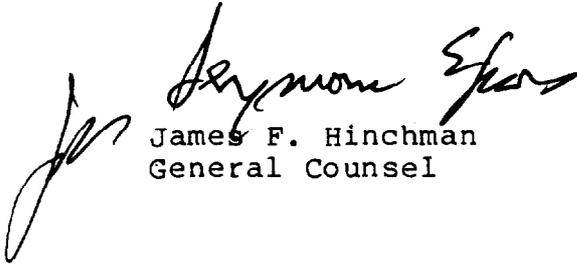
We do not agree with Orbas that there could be only one logical interpretation of its bid. In our view, the statement in the bid reasonably could be read as indicating that Orbas would complete the work on time only if it was able to perform in a certain manner. In this regard, the

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IFB--which does not divide the work into "phases"--does not mandate either concurrent or sequential performance of the various types of work required, but appears to leave to the contractor the determination of how best to proceed. Under this reading of the bid, Orbas was not committing itself to complete all the work within 120 days as the IFB required. Rather, the statement indicates that Orbas might take up to 210 days to complete the work if for some reason it later determined that performing certain portions of the work concurrently was not possible. To the extent that the bid thus did not unconditionally commit the bidder to comply with the required delivery schedule, the bid was nonresponsive. See HoseCo, Inc., B-226420, Mar. 12, 1987, 87-1 C.P.D. ¶ 282. At best, the bid was ambiguous regarding the time for contract completion, and thus was nonresponsive on that basis. Winsar Corp. of Louisiana, B-226507, June 11, 1987, 87-1 C.P.D. ¶ 585.

Orbas argues that acceptance of its low bid would be in the government's best interest. We consistently have held, however, that a nonresponsive bid may not be accepted even though it would result in monetary savings to the government, since acceptance would compromise the integrity of the sealed bidding system. Canvas & Leather Bag Co., Inc., B-227100, July 24, 1987, 87-2 C.P.D. ¶ 85.

The protest is denied.



James F. Hinchman  
General Counsel