



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Roche Biomedical Laboratories, Inc.
File: B-233123
Date: October 18, 1988

DIGEST

Bid for clinical laboratory services was properly rejected as nonresponsive where bidder's cover letter imposed conditions that modify the requirements of the solicitation and limit its liability to the government under the contract.

DECISION

Roche Biomedical Laboratories, Inc., protests the Veterans Administration's rejection of its bid as nonresponsive under invitation for bids (IFB) No. 570-18-89, for clinical laboratory services. The protester's bid was rejected for imposing conditions in its cover letter which would modify material terms and conditions of the solicitation.

We dismiss the protest.

Roche included with its bid a cover letter which among other things specifically modified the terms of the IFB in two areas.

Under the heading of Billing, Roche stated that failure by the VA to remit payment within the time limit set forth in the IFB, might result in the loss or reduction of the VA's discount and/or special prices on future services or discontinuation of service under the present contract. Clause 52.232-25 of the IFB included a provision that "an interest penalty shall be paid automatically by the Government, without request from the Contractor, if payment is not made within 15 days after the due date." The IFB did not give the contractor the right to modify the contract prices.

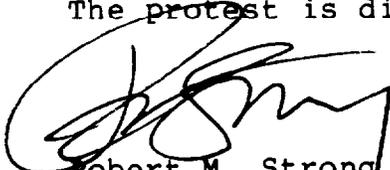
Under the same heading, Roche claimed the right and privilege of terminating the contract upon certain conditions such as a 60-day cancellation notice outlining the reasons for intent of cancellation. The IFB contained

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no provision for the bidder to terminate the contract prior to its expiration.

To be responsive a bid must clearly evidence on its face the bidder's intention to comply with, and be bound by, the terms and conditions of the IFB. Genesis General Contracting, Inc., B-225794, June 1, 1987, 87-1 CPD ¶ 550. Roche's bid would impose conditions upon the government that would modify material elements of the IFB and limit the bidder's liability to the government. Such a bid must be rejected. General Electric Co., B-228191, Dec. 14, 1987, 87-2 CPD ¶ 585.

The protest is dismissed.



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