



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Roadrunner Moving & Storage, Inc.--Request for Reconsideration

File: B-234616.2

Date: April 5, 1989

DIGEST

A bidder whose bid was properly found nonresponsive due to insertion of a 60-day acceptance period rather than the 90-day minimum required in the solicitation may not correct its acceptance period after bid opening, because allowing a bidder to change its bid acceptance period after bid opening would give the bidder an unfair advantage over other bidders who initially offered the required minimum time. Bidder's reiteration, in its request for reconsideration, that it is willing to change its acceptance time is irrelevant and serves no basis for us to reverse our prior decision dismissing protest.

DECISION

Roadrunner Moving & Storage, Inc., requests reconsideration of our decision, Roadrunner Moving & Storage, Inc., B-234616, Mar. 2, 1989, 89-1 CPD ¶ _____, in which we summarily dismissed the firm's protest of the General Services Administration's (GSA) rejection of its bid as nonresponsive under invitation for bids (IFB) No. 7FXI-B6-S001-S for moving, packing, crating and accessorial services connected with GSA's office relocations. The solicitation required a minimum bid acceptance period of 90 days; Roadrunner's bid specified a 60-day acceptance period.

In entertaining requests for reconsideration, we will not reverse our original decision unless the request specifies information not previously considered or demonstrates that errors of fact or law exist in the decision that warrant reversal. Triad Assocs., Inc.--Request for Reconsideration, B-214612.2, May 22, 1984, 84-1 CPD ¶ 550. Roadrunner has not met that burden here. Therefore, we deny the request for reconsideration.

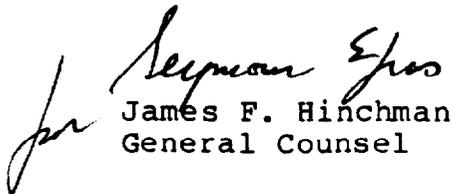
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In its protest, Roadrunner contended that it should be allowed to correct its bid because its 60-day acceptance period was an inadvertent, clerical error. We stated in our March 2 decision, citing San Sierra Business Systems, B-233858, Dec. 27, 1988, 88-2 CPD ¶ 629, that a provision in a sealed bid solicitation requiring that a bid remain available for a 90-day period in order to be considered for award is a material requirement, hence, it must be complied with at bid opening to be responsive. Since Roadrunner's bid was nonresponsive, GSA was required to reject it and to refuse Roadrunner's offer to correct it after bid opening. See Master Security, Inc., B-225719; B-225720, Feb. 26, 1987, 87-1 CPD ¶ 226.

Roadrunner argues that it should be allowed to correct its acceptance period, because its offer to extend the bid acceptance period to 90 days was made less than 30 days after bidding and this request for reconsideration is 49 days from bid opening. It is well-established, however, that a nonconforming acceptance period specified in a bid is not a minor irregularity or mistake which may be explained, changed, or corrected at any time after bid opening. See General Elevator Co., Inc., B-226976, Apr. 7, 1987, 87-1 CPD ¶ 385.

If a bidder were allowed to decide after bid opening whether to make its bid responsive by agreeing to the required acceptance period, the bidder would have an unfair advantage over other bidders, because then it would have the option to accept a contract after competing bids have been exposed or to refuse award if, for example, unanticipated cost increases occur. See Legeay, Inc., B-218307, Mar. 22, 1985, 85-1 CPD ¶ 338. On the other hand, competitors that complied with the required acceptance period would not have any such option because they would be bound by the government's acceptance any time within that period. See Rice Services, Inc., B-218228.2, Oct. 7, 1985, 85-2 CPD ¶ 384. Such a situation, where the bidders would not share the same business risks, obviously would adversely affect the integrity of the bidding process.

The request for reconsideration is denied.


James F. Hinchman
General Counsel