

Benejam



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Accent Stripe, Inc.

**File:** B-241161

**Date:** October 9, 1990

Robert G. Walsh, Esq., Walsh and Sampson, P.C., for the protester.

Joel R. Feidelman, Esq., and Richard D. Lieberman, Esq., Fried, Frank, Harris, Shriver and Jacobson, for Rampart Waterblast, Inc., an interested party.

Gregory H. Petkoff, Esq., Department of the Air Force, for the agency.

Aldo A. Benejam, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

1. Where a bid offers a minimum bid acceptance period of 10 days in response to a sealed bid solicitation requiring 60 days, the bid is nonresponsive and may not be corrected after bid opening, since the minimum bid acceptance period is a material requirement of the solicitation which must be complied with at bid opening.

2. A nonresponsive bid must be rejected and may not be changed or corrected based on explanations offered by the bidder after bid opening; the importance of maintaining the integrity of the competitive bidding system outweighs the possibility that the government might realize monetary savings if a material deficiency in a bid is corrected or waived.

### DECISION

Accent Stripe, Inc. protests the rejection of its bid under invitation for bids (IFB) No. FO3602-90-B0027, issued by the Department of the Air Force for rubber and paint removal at Little Rock Air Force Base, Arkansas. The IFB required a minimum bid acceptance period of 60 days; however, Accent's bid specified a 10-day acceptance period. Accent contends that it should be allowed to correct its bid because its 10-day acceptance period was an inadvertent clerical error.

C49702/142415

We summarily dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990), because it is clear on the face of the protest that it is without merit.

A provision in a sealed bid solicitation requiring that a bid remain available for the government's acceptance for a 60-day period is a material requirement, and hence it must be complied with at bid opening for the bid to be responsive. San Sierra Business Sys., B-233858, Dec. 27, 1988, 88-2 CPD ¶ 629. Since Accent's bid specified a 10-day acceptance period, it was nonresponsive and the Air Force thus was required to reject the bid and to refuse Accent's offer to correct it after bid opening. See Master Sec., Inc., B-225719; B-225720, Feb. 26, 1987, 87-1 CPD ¶ 226.

Accent maintains that inserting the figure "10" rather than the figure "60" to indicate the minimum bid acceptance period was an inadvertent clerical error that it should be allowed to correct. A nonconforming acceptance period specified in a bid, however, is not a minor irregularity or mistake which may be explained, changed, or corrected after bid opening. General Elevator Co., Inc., B-226976, Apr. 7, 1987, 87-1 CPD ¶ 385. Although Accent asserts that it would be ludicrous for a bidder to intentionally provide less than the 60-day required bid acceptance period, the fact remains that by inserting the figure "10" rather than "60" to indicate the minimum bid acceptance period, Accent legally committed itself to only a 10-day acceptance period, contrary to the requirements of the IFB. Id.

Finally, Accent contends that the government would save money if Accent, the low bidder, were allowed to correct its bid and if award were made to that firm. The importance of preserving the integrity of the competitive bidding system, however, outweighs the possibility that the government might realize monetary savings if a material deficiency in a bid is corrected or waived. Abar Ipsen Indus., B-219499.2, Jan. 3, 1986, 86-1 CPD ¶ 7.

The protest is dismissed.

  
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Assistant General Counsel