



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

**Matter of:** Bosco Contracting, Inc.  
**File:** B-244659.4  
**Date:** August 27, 1991

Robert H. Person for the protester,  
Herbert F. Kelley, Jr., Esq., Department of the Army, for the  
agency.  
Aldo A. Benejam, Esq., Office of the General Counsel, GAO,  
participated in the preparation of the decision.

## DIGEST

Protest is dismissed where, in response to a previous protest of the rejection of protester's bid as nonresponsive for failure to submit a signed Certificate of Procurement Integrity, agency terminated awardee's contract for the convenience of the government and proposed to resolicit the requirement, notwithstanding that the protester requested award of the contract in its protest; agency's corrective action was the same as the recommendation the General Accounting Office would make under the circumstances.

## DECISION

Bosco Contracting, Inc. protests the cancellation of invitation for bids (IFB) No. DAKF36-91-B-0032, issued by the Department of the Army for custodial services at Fort Drum, New York, and the agency's proposed resolicitation of the requirement.

We summarily dismiss the protest without first obtaining an administrative report from the contracting agency because it does not state a valid basis for protest. See 56 Fed. Reg. 3,759 (1991) (to be codified at 4 C.F.R. § 21.3(m)).

In an earlier protest to our Office, Bosco protested the rejection of its bid as nonresponsive for failure to submit a signed Certificate of Procurement Integrity as required by the IFB. We summarily dismissed that protest in Bosco Contracting, Inc.; Capital Servs., Inc., B-244659.2; B-244659.3, Aug. 13, 1991, 91-2 CPD ¶ \_\_\_\_\_, because the agency terminated the awardee's contract and proposed to resolicit

the procurement, rendering the protest academic. See East West Research Inc.--Recon., B-233623.2, Apr. 14, 1989, 89-1 CPD ¶ 379. Bosco now objects to the agency's cancellation of the IFB and proposed resolicitation of the requirement, asserting that as the low bidder, it should be awarded the contract.

The facts here are identical to those in Shifa Servs., Inc., B-242686, May 20, 1991, 70 Comp. Gen. \_\_\_\_, 91-1 CPD ¶ 483. In that decision, we found that the omission of a distinct signature line from a solicitation's Certificate of Procurement Integrity was a latent ambiguity which misled bidders into believing that a separate signature on the Certificate was not required, thereby rendering their bids nonresponsive. See Mid-East Contractors, Inc., B-242435, Mar. 29, 1991, 70 Comp. Gen. \_\_\_\_, 91-1 CPD ¶ 342 (omission from a bid of a signed Certificate of Procurement Integrity renders bid nonresponsive and must be rejected). Similarly here, the Certificate of Procurement Integrity included in the IFB failed to provide a distinct signature line, and the protester failed to enter a separate signature on the Certificate.

Where, as here, a solicitation contains a latent ambiguity that misleads bidders into submitting nonresponsive bids, the appropriate remedy is cancellation and resolicitation; contrary to Bosco's contention, award could not be made to it because its bid was nonresponsive for failure to include a separate signature on the Certificate of Procurement Integrity. See Shifa Servs., Inc., B-242686, supra. The agency's proposed remedy, therefore, is not only appropriate, but since it is precisely what we would have recommended had Bosco's earlier protest been considered on the merits, see Shifa Servs., Inc., B-242686, supra, Bosco has not stated a valid basis for protest. Bade Roofing & Sheet Metal Co., B-243496, June 25, 1991, 91-1 CPD ¶ 606.

The protest is dismissed.

  
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