



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The Ryan Company

File: B-245659

Date: October 23, 1991

David C. Varisco for the protester.
Paul M. Fisher, Esq., Department of the Navy, for the agency.
Robert A. Spiegel, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Bid which fails to contain a signature in block 20A of Standard Form (SF) 1442 may be accepted because a signature indicating the bidder's intent to be bound by the bid appears at block 30B of SF 1442.
2. Bidder's failure to sign or affix a corporate seal to an otherwise proper bid bond may be waived when the bond is submitted with a signed bid.

DECISION

The Ryan Company protests the award of a contract to Sullivan & McLaughlin Electrical Contractors, Inc. under invitation for bids (IFB) No. N62472-91-B-1642, issued by the Department of the Navy for the replacement of six tap changers and related work. Ryan contends that the Sullivan bid should be rejected as nonresponsive because that firm failed to sign and date its bid and its bid bond or to affix its corporate seal to the bond.

We dismiss the protest.

First, as a general rule, an unsigned bid must be rejected as nonresponsive because without an appropriate signature, the bidder would not be bound should the government accept the bid. JRW Enters., Inc., B-238236, May 11, 1990, 90-1 CPD ¶ 464. Here, however, while Sullivan failed to sign block 20A of Standard Form (SF) 1442, it did sign the bid in block 30B clearly indicating its intent to be bound by the bid. Therefore, Sullivan's failure to sign in block 20A may be waived by the agency as a minor informality under Federal Acquisition Regulation § 14.405, and the bid accepted. The failure to date the bid is of no consequence and is not a bar to the acceptance of the bid.

Second, though Sullivan failed to sign and place its corporate seal as a principal on its bid bond, we do not regard the signature and corporate seal as a material requirement with which the bidder must comply in order to be responsive where, as here, the unsigned bond is submitted with a bid which we regard as containing an adequate signature. Noslot Pest Control, Inc., 68 Comp. Gen. 396 (1989), 89-1 CPD ¶ 396. Again, the failure to sign can be waived and the bid accepted.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "John G. Brosnan", with a long horizontal flourish extending to the right.

John G. Brosnan
Assistant General Counsel