



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** C & S Managing Service

**File:** B-260379

**Date:** February 21, 1995

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### DECISION

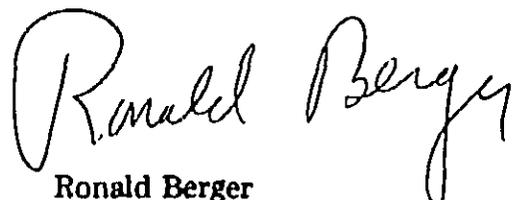
C & S Managing Service protests the rejection of its bid by the Department of Agriculture under invitation for bid (IFB) No. SCS-148-GA-95. The bid was rejected because it specified a shorter bid acceptance period than that required by the IFB.

We dismiss the protest because bids that specify an acceptance period that is shorter than the minimum period expressly required by the solicitation are nonresponsive on their face. Thus, the protest fails to state a valid legal challenge to the agency's rejection of the protester's bid.

Here, C & S's inserted in its bid an acceptance period of 10 days, which was less than the required 60 days. C & S contends that this is a minor informality that does not require bid rejection. Specified bid acceptance periods, however, are material requirements. A minimum acceptance period in an IFB requires bidders to share the same business risks of leaving their bids open for acceptance by the government for the same amount of time. A bidder allowed to specify a shorter acceptance period would have an unfair advantage over its competitors by being able, on the one hand, to refuse the award after the bid acceptance period expires should the firm decide it no longer wants the award because of unanticipated cost increases, or, on the other hand, to extend the bid acceptance period after competing bids have been exposed if the firm wants the award. Sac & Fox Indus., Ltd., B-231873, Sept. 15, 1988, 88-2 CPD ¶ 250. Consequently, it is well-established that an IFB requirement that a bid remain available for acceptance by the government for a prescribed period of time is a material requirement, and a failure to comply with it cannot be waived or corrected after bid opening. See, e.g., Taylor Lumber & Treating, Inc., B-229715, Dec. 23, 1987, 87-2 CPD ¶ 625. This is the case even if the bid would provide savings to the government; we have long recognized

that the public interest in maintaining the integrity of the competitive bidding process outweighs any monetary benefit to be gained from waiving bidding deficiencies. Id.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the printed name and title.

Ronald Berger  
Associate General Counsel