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**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-179934

DATE: January 31, 1974

MATTER OF: Singleton Trading Company

**DIGEST:** Bid unaccompanied by amendment shortening time for removal of buildings contended by bidder to have been furnished with bid and lost by administrative personnel, which is not supported by record, must be considered nonresponsive for failing to acknowledge material amendment, and bidder was not unduly prejudiced by rejection of all bids since another opportunity to submit responsive bid will be provided under new solicitation. See decisions cited.

On September 18, 1973, invitation for bids (IFB) No. DACA63-74-B-0042, for the sale of four corrugated steel buildings located at Kelly Air Force Base, Texas, was issued by the Fort Worth District Corps of Engineers. According to the invitation, bid opening was to be 1:00 a.m., October 18, 1973, although the administrative agency states that the opening time was intended to be 1:00 p.m., October 18.


Singleton Trading Company (Singleton) protests the rejection of its bid. Singleton states that it was the only bidder that submitted a responsive bid prior to 1:00 a.m. and therefore was entitled to the award. However, even if bids had to be submitted by 1:00 a.m., according to the record Singleton failed to acknowledge an amendment which shortened the time in which the buildings had to be removed. Our Office has held that an amendment which shortens the performance period is a material amendment. B-178171, May 31, 1973, and B-171169, March 10, 1971.

Although Singleton contends that the amendment was attached to the bid when submitted and was lost by administrative personnel who handled the bid, there is no evidence, other than self-serving statements, which establishes that to be the case. Accordingly, the Singleton bid must be considered to be nonresponsive. Since it was administratively determined that with the exception of two bidders who were handed the amendment a few minutes prior to bid opening at 1:00 p.m., none of the other bidders received the amendment, all the bids were rejected.

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Inasmuch as it appears from the record that the Singleton bid was nonresponsive and Singleton will be provided another opportunity to submit a responsive bid under the new solicitation, we are unable to conclude that it was unduly prejudiced by the rejection of all bids.

For the above reasons, the protest is denied.



Deputy Comptroller General  
of the United States