

DECISION



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

60608

FILE: B-185611

DATE: March 4, 1976

MATTER OF: E. C. Campbell, Inc.

98516

DIGEST:

Unsolicited descriptive data will be considered part of bid in determining responsiveness, and where such data does not comply with Government's stated material requirements, bid must be rejected as nonresponsive.

The Federal Bureau of Investigation (FBI) has requested our decision regarding the responsiveness of the bid of Potomac Industrial Trucks, Inc. (Potomac), under invitation for bids (IFB) No. 1025.

The IFB, issued on September 25, 1975, was for one walkie stacker truck. The fork lift type truck will be used to transport evidence and bulky items to and from examining rooms of the FBI laboratory. The following is a list of all bids received on November 11, 1975, in response to the solicitation:

Big Joe Manufacturing Company	\$ 7,350
Potomac	10,964
E. C. Campbell, Inc.	12,795

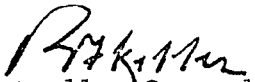
Big Joe attached a letter to its bid noting a deviation from the specifications, i.e., that the overall width would be 36 inches as opposed to the required 32-1/2 inches. Big Joe was, therefore, determined to be nonresponsive as its truck would not meet the maximum overall truck width of 32-1/2 inches dictated by the width of the doors in the FBI building.

Potomac also attached unsolicited descriptive literature with its bid. Campbell has protested to the FBI the potential award to Potomac, alleging that the descriptive literature so qualified Potomac's bid in several respects as to render it non-responsive. Because of the reasons that follow we discuss only one such qualification.

While the illustration in the literature submitted by Potomac depicts a chassis width of 32.5 inches, the widest part of the truck is the load wheels which are 35.06 inches wide. The Potomac bid does not indicate how, if at all, the load wheel width will or could be made to conform to the 32-1/2 inch maximum requirement. The only plausible way to meet the overall width specification would be to reduce the size of the load wheels themselves. The drawings indicate load wheels of 10 inches x 7 inches x 6.25 inches and nothing is said elsewhere in the bid about reducing the size of the load tires shown.

Our Office has consistently held that unsolicited descriptive literature submitted with a bid must be considered part of the bid in determining responsiveness. As we stated in Lift Power, Inc., B-182604, January 10, 1975, 75-1 CPD 13, "The question of responsiveness of a bid concerns whether a bidder has unequivocally offered to provide the requested items in total conformance with the terms and specification requirements of the invitation." (Emphasis added.) Whether the bidder is offering an item that conforms to the specifications must be determined from the material available at bid opening. Reliance on information supplied by a bidder after bid opening is not permissible. Waukesha Motor Company, B-178494, June 18, 1974, 74-1 CPD 329; Sheffield Building Company, Incorporated., B-181242, August 19, 1974, 74-2 CPD 108.

Accordingly, the bid of Potomac must be rejected as nonresponsive as it does not expressly show at the time of bid opening compliance with the Government's stated requirements.


Deputy Comptroller General
of the United States