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L.G. Crowley, PL-2

DECISION



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

FILE: B-191279

DATE: April 27, 1978

MATTER OF: Cassidy Cleaning, Inc.

DIGEST:

Failure of low bidder to comply with bid guarantee provisions of IFB by submitting blank bid bond form makes bid nonresponsive and rejection of bid proper.

Cassidy Cleaning, Inc. (Cassidy) of Silver Spring, Maryland, protests the rejection of its bid under invitation for bids (IFB) N62472-78-B-4529, issued by the Resident Officer in Charge of Construction, Philadelphia Area, Naval Facilities Engineering Command (Navy), Philadelphia, Pennsylvania, on December 16, 1977 for janitorial services for Philadelphia Naval Shipyard Buildings. Eleven sealed bids were opened on January 24, 1978, with Cassidy submitting the low bid of \$645,000 and the greatest discount, 15 percent, 20 days.

Cassidy's bid was rejected because it did not include a proper bid guarantee. The specific deficiencies were identified as follows:

"(1) Failure to comply with the requirements of the Standard Form 24

- (a) Penal Sum (or percentage) omitted
- (b) Individual Sureties * * * did not execute bid bond

"(2) Individual Surety does not meet requirements of ASPR 10-201.2(c) that 'each individual surety shall extend to the entire sum of the bond'."

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Cassidy does not deny the existence of the deficiencies. It states, however, that they are easily correctable and suggests that it is in the Government's best interest to allow the deficiencies to be cured.

The record shows that the bid form submitted by Cassidy had attached to it a Bid Bond, SF 24, and three Affidavits of Individual Surety, SF 28. The bid bond form submitted with Cassidy's bid was completely blank. The Affidavits of Individual Surety showed net worths, respectively, of \$50,000, \$69,000, and \$12,000. The penal sum of the bond required with Cassidy's bid was \$129,000. The combined total net worth of the individual sureties is \$131,000.

Under these circumstances, rejection of the bid was proper. Although the inadequate net worths of individual sureties involve a matter of bidder responsibility rather than bid responsiveness, and thus properly can be further explored by the contracting officer after bid opening, see 52 Comp. Gen. 184 (1972), the other deficiencies clearly rendered the bid non-responsive. As we said in Red Carpet Building Maintenance Corporation, B-189991, November 28, 1977, 77-2 CPD 416:

"This Office has consistently held that the failure of a bid to comply with the bid guarantee provisions requires rejection of the bid as nonresponsive and that the failure may not be waived or otherwise excused. See 38 Comp. Gen. 532 (1959); 46 Comp. Gen. 11 (1966)."

Here, the bid bond form was left completely blank; thus, in effect there was no bid guarantee submitted with the bid. Consequently, bid rejection was required. 38 Comp. Gen. 532 (1959); 42 Comp. Gen. 725 (1963). The fact that award had to be made at a higher price than that submitted by the protester does not mean that it was in the Government's best interest to waive the protester's bid bond deficiencies, since we have repeatedly stated that monetary savings do

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not outweigh the public interest in the strict maintenance of the competitive bidding procedures. Davisville Construction Co., B-190080, December 12, 1977, 77-2 CPD 456, General Electric Company, B-184873, May 4, 1976, 76-1 CPD 298; 34 Comp. Gen. 82 (1954).

Accordingly, this protest is denied.


Deputy Comptroller General
of the United States