



**Comptroller General  
of the United States**

**Washington, D.C. 20548**

B-231184

August 23, 1988

The Honorable Thomas K. Turnage  
Administrator of Veterans Affairs

Dear Mr. Turnage:

Enclosed is a copy of our decision of today sustaining the protest of Sherwood Medical Company against the rejection of its low bid as nonresponsive and the subsequent award of a contract to the Beckton Dickinson, Division of Beckton Dickinson and Company, under invitation for bids No. MI-41-88, issued by the Veterans Administration for hypodermic syringes.

We find that the agency improperly rejected as nonresponsive Sherwood's low bid for one item on the basis that a required bid sample submitted by Sherwood did not conform to the solicitation requirement that syringes be supplied in quantity packages of 50-count. Although the failure of a required bid sample to meet a stated salient characteristic renders a bid nonresponsive, we do not consider the packaging requirement of 50 per unit to be such a salient characteristic.

We recommend that the contract awarded to Beckton Dickinson be terminated for convenience, and that award be made to Sherwood for the 50-count syringe packages. In addition, since the award to Beckton Dickinson was improper, we find Sherwood to be entitled to reimbursement of the costs of filing and pursuing its protest.

We direct your attention to section 2741(a) of the Competition in Contracting Act of 1984, 31 U.S.C. § 3554(e)(1) (Supp. IV 1986), which requires that the head of the procuring activity responsible for the solicitation

report to our Office if the agency has not fully implemented our recommendation within 60 days of receipt of our decision. In any event, please advise our Office of the action taken.

Sincerely yours,

*Wilton J. Fowler*  
for Comptroller General  
of the United States

Enclosure