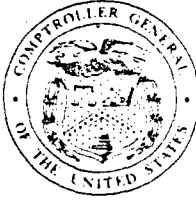


DECISION



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

FILE: B-183727

DATE: November 28, 1975

MATTER OF: Mustang Industrial Cleaners, Inc.

DIGEST:

Where request for reconsideration presents no evidence demonstrating errors of fact or law in decision, that decision--which held that firm submitting bid without exception to IFB assumes obligation to perform in accordance with IFB--is affirmed.

Mustang Industrial Cleaners, Inc. (Mustang), requests reconsideration of our decision of September 23, 1975, which denied its protest under invitation for bids (IFB) No. F04626-75-09051, issued by the Base Procurement Office, Travis Air Force Base, California. In essence, Mustang's protest was based upon the contention that because of its low bid Reliable could not satisfy the requirement to provide three general custodians. The decision held that a bidder for a custodial services contract who submits a bid without exception to the IFB assumes the obligation to perform in accordance with the IFB.

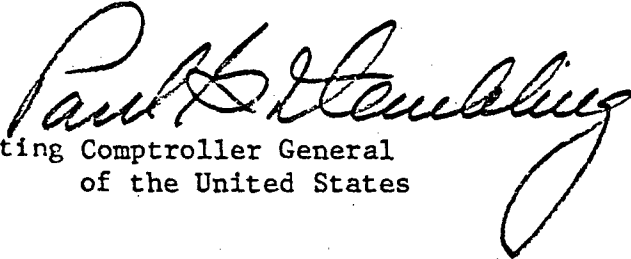
In its request for reconsideration, Mustang states that the following sentence contained in our decision is incorrect: "In this regard, Reliable has not indicated that the day shift supervisor will not perform as a general custodian as permitted by the IFB." In this connection, it is argued that Reliable's post bid opening explanation as to how it intended to fulfill the requirements of the contract are inconsistent with those requirements.

We do not agree with Mustang's contention. Although Reliable's explanation to the Contract Management Division indicated that two salaried managers from Mustang's firm would also assist with the day shift supervision, such explanation does not preclude these managers from performing as general custodians as well. In any event, the responsiveness of Reliable's bid must be determined from the bid itself and the firm did not take any exception to the IFB requirement for three general custodians during the day shift. Therefore, Reliable is obligated to furnish the three general

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custodians during the day shift and it is the responsibility of the contracting agency to insure that Reliable meets all contract requirements. Furthermore, contrary to Mustang's contention, our denial of its protest in no way releases Reliable from its obligation to supply the required amount of supervision as well as furnish three general custodians during the day shift.

We do not believe that Mustang's request for reconsideration presents any evidence demonstrating errors of fact or law in our earlier decision and, accordingly, that decision is affirmed.


Acting Comptroller General
of the United States