

DECISION



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

FILE: B-186461

DATE: August 26, 1976

MATTER OF: Publication Press, Inc.

61394
98631 - 98631

DIGEST:

Bid responsive to reasonable interpretation of IFB which is unclear as to basis for price computation, may have price converted mathematically to intended basis and evaluated.

Publication Press, Inc (Publication Press) protests a determination by the Government Printing Office (GPO) that Port City Press, Inc. (Port City), has submitted the low responsive bid to GPO Jacket No. 202-989.

Jacket No. 202-989 is a solicitation for bids to produce 3,300 copies (sets) of the 1975 annual issue of the National Union Catalog in 18 volumes. When the solicitation was issued GPO knew that each of the first 9 volumes would contain 1,028 pages, but it did not know the exact page content of volumes 10-18.

As it affects the matters at issue, the solicitation called for a single bid price for 3,300 copies of each of volumes 1 through 9 with a single volume to include 1,028 pages. It called for a similar bid for volumes 10 through 18, assuming 960 pages per volume. However, recognizing that the latter 9 volumes might contain either more or less than 960 pages, bids were to include prices to be added or subtracted if the number of pages was either more or less than 960. These prices were expressed in terms of signatures (printed sheets which when folded and trimmed became 4 pages or multiples of 4 in the volume). Signatures of 4, 8, 16 and 32 pages were to be priced.

The solicitation stated that award would be made on the basis of the lowest price for 3,300 copies of each of the first 9 volumes with an individual volume content of 1,028 pages and 3,300 copies of each of the last 9 volumes, assuming a volume content of 1,020 pages. This meant, of course, that to evaluate the bids for the last 9 volumes, the bid for the signatures (totaling 60 pages) would have to be added to the single figure bid for the volumes.

PUBLISHED DECISION
55 Comp. Gen.

The relevant portions of the Port City and Publication Press bids are as follows:

Item	Port City*	Publication Press
Volumes 1 through 9 (1,028 pages)	\$122,599	\$118,245.50
Volumes 10 through 18 (960 pages)	<u>\$115,565</u>	<u>\$111,051.00</u>
Subtotal	<u>\$238,164</u>	<u>\$229,296.50</u>
Signatures (plus or minus)		
32 pages	\$319	\$2,642.40
16 pages	\$287	\$1,514.25
8 pages	\$258	\$1,098.65
<u>4 pages</u>	<u>\$232</u>	<u>\$1,009.70</u>
Subtotals	<u>\$1,096</u>	<u>\$7,265.00</u>

* Less 5% prompt payment discount

It is apparent that the signature prices were not submitted on the same basis.

The GPO interpreted the solicitation to call for signature prices covering the number of copies (3,300) per volume. It assumed Port City bid on this basis. Therefore, the GPO multiplied the sum of Port City's signature of bids by nine. However, the GPO concluded Publication Press' signature bids covered all of the last 9 volumes and did not multiply them.

The protester contends that if Port City offered signature prices on an individual volume basis rather than a per set basis its bid is nonresponsive. It calls attention to the "BASIS OF AWARD" section which provides that award will be made to the bidder complying with the specifications and submitting the lowest total price. According to the protester, "[i]t is perfectly clear from the pricing schedule that the government did not ask for a quotation of 3,300 copies of one volume, but for 3,300 sets (9 volumes)." Moreover, the protester states that after

bid opening GPO contacted Port City and the other bidders offering similar prices in order to determine "what they meant by their bids." The protester goes on to state that since Port City was aware of the other bid prices:

"It did not take any imagination for it to conclude that if it accepted G.P.O.'s suggestion that its figure was to be multiplied by nine, it would still be the low bidder by some four hundred dollars. If G.P.O. held it to its price as submitted in the bid, it would have to do the job for \$8,000.00 less. It advised that G.P.O. was correct in assuming that its figure was to be multiplied by nine."

In conclusion, the protester states that since the bid is not clear it should be rejected or, at a minimum, GPO should solicit new bids.

Port City, on the other hand, insists that while a GPO representative did question its firm concerning "another specification in the bid * * * at no time was the 'Signature Page' price discussed." In addition, Port City states that this job was bid in the same manner as the one in 1975 with GPO, and "there was no protest."

A non-responsive bid is not eligible for award. The well-established rule recognizes that maximum practicable competition can be achieved and fraud or favoritism precluded only if bids are submitted on the same basis consistent with the terms of the solicitation. Therefore, a contract for pens cannot be awarded pursuant to a solicitation for pencils even if an attractive bid for pens is received since prospective suppliers who accepted the call for pencils at face value had no opportunity to compete on pens.

We do not believe the general rule is applicable in this case. Initially, we note that the solicitation does not clearly indicate whether signature prices are to cover a single volume or all of the last 9 volumes. We think it is reasonably susceptible to either interpretation. Publication Press appears to have computed the signature prices for volumes 10 through 18 as indicated by the fact that the per page price for signatures is generally consistent with the per page price for the stated volumes. Port City's prices for the signature pages compared with its bid for volumes 10 through 18 make it illogical to draw any conclusion than that the signature prices were per volume.

We assume that GPO intended bidders to price signature sheets covering all of the last nine volumes. This is reasonable since GPO would have to construct such figures to perform a proper evaluation. Nevertheless since reasonably the Port City signature prices can only be per volume and can be converted readily into prices for all 9 volumes, we fail to see any reason for rejecting its bid as non-responsive. Port City obtained no advantage. It should not--and we believe it would not--have been permitted to argue that its signature prices covered 9 volumes. Cf. 51 Comp. Gen. 498 (1972).

We believe the situation is not different from cases in which bids have been found responsive where the bidder failed to furnish data called for but included sufficient information to derive the data by application of generally accepted mathematical formulas. See 48 Comp. Gen. 420, 428 (1968). The rule is equally applicable here.

The protest is denied.

Acting  Comptroller General
of the United States