

DECISION



13756 *Center Proc I*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-198261

DATE: May 19, 1980

MATTER OF: Canadian General Electric Company, Ltd.

DIGEST:

- 4669
1. [Protest against rejection of bid as nonresponsive] is summarily denied on basis of protest submitted where it is clear that bid exceeded maximum allowable transient reactance percentage figure provided in solicitation. Proper rejection of bid on one basis renders other basis for rejection academic.
 2. Jurisdiction is assumed arguendo without development of issue because it is clear from protester's submission that protest against rejection of bid has no merit.

3468 The Canadian General Electric Company, Ltd. (CGE), protests the rejection of its bid as nonresponsive under solicitation No. IFB 80-4 issued by the International Boundary and Water Commission for generators for the Amistad Powerplant in Texas.

One of the reasons the Commission rejected CGE's bid is that CGE's guaranteed transient reactance of 80 percent substantially exceeded the specified maximum allowable value of 38 percent. CGE states that it actually intended to provide 30-percent guaranteed transient reactance and that the 80-percent figure in its bid was an obvious typographical error which should have been waived as a minor informality. While it has not influenced our decision, the Commission has advised us that all bids were rejected and that this procurement is to be readvertised.

Since, as we understand it, the Amistad dam project is to be financed by the sale of electric power to various non-Federal utilities, there may be

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some question as to whether we have jurisdiction to resolve the protest. However, there is no reason to develop this aspect of the case now because, assuming arguendo that we have jurisdiction, cf. Prime Computer, Inc., B-192359, December 6, 1978, 78-2 CPD 392, the protest against the rejection of the bid has no merit.

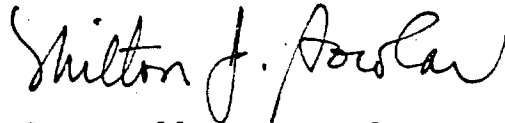
The situation here is similar to that in H. E. Crain, B-194329, November 15, 1979, 79-2 CPD 355. In that case, the protester's bid on a construction project requiring the use of domestically produced culvert pipe was rejected as nonresponsive because the protester had mistakenly indicated that it intended to use foreign-made pipe; Crain argued that its error should have been waived as a minor informality. We agreed with the agency's rejection of Crain's bid as nonresponsive on the basis of the general rule that mistakes which render a bid nonresponsive may not be cured through bid correction. See also W. S. Jenks & Son, B-195861, November 26, 1979, 79-2 CPD 373. The only exception to this rule is when both the exact nature of the error and the intended correct information are ascertainable from the bid itself. Lubel Service Industries, Inc., d/b/a American Laundry and Cleaners, B-195083, August 27, 1979, 79-2 CPD 157; International Signal and Control Corporation; Honeywell, Inc., B-192960, December 14, 1978, 78-2 CPD 416. This exception does not apply here.

CGE's bid guaranteed a maximum transient reactance of 80 percent, well above the maximum allowable value of 38 percent, rendering its bid ineligible for award. And, while the error may have been obvious, neither CGE nor the agency has suggested any way in which CGE's actually intended value of 30 percent could be ascertained from its proposal; i.e., you could not tell whether CGE intended to guarantee 28, 30, 38 or some other maximum percentage transient reactance. Therefore, we believe the Commission properly denied correction of the error and properly rejected CGE's bid as nonresponsive.

Since the Commission had a proper basis for the rejection of the CGE bid, the other basis for rejection is academic and need not be considered. Bow Industries, B-196667, March 25, 1980, 80-1 CPD 219. We have decided this case on the basis of the protester's submission without obtaining a report from the contracting agency

because it is clear that the protester is not entitled to relief. Ronald Campbell Company, B-196935, December 19, 1979, 79-2 CPD 424.

The protest is summarily denied.

A handwritten signature in cursive script, reading "Shilton J. Fowler".

Acting Comptroller General
of the United States