

# DECISION



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

FILED  
2-1-83

FILE: B-210251

DATE: January 24, 1983

MATTER OF: Bond Transfer and Storage Company

## DIGEST:

Bidder's failure to mark bid envelope with solicitation number and the date and local time set for bid opening as required by instructions to bidders is a minor deficiency which can be waived under Defense Acquisition Regulation § 2-405.

Bond Transfer and Storage Company (Bond) protests any award of a contract by the Department of the Air Force to Williams Transfer and Storage (Williams), the apparent successful bidder on invitation for bids (IFB) No. F22608-82-B0042. Bond protests that Williams submitted its bid in an unmarked envelope. Bond contends that the instructions to bidders required that the envelope be marked with the solicitation number and the date and local time set for bid opening.

Since it is clear from Bond's submission that the protest is without legal merit, we are deciding the matter without requesting a report from the Air Force. See Shipco General, Inc., B-204259, August 20, 1981, 81-2 CPD 161.

Bond appears to be protesting that Williams' bid was nonresponsive. The test to be applied in determining the "responsiveness" of a bid is whether the bid, as submitted, is an offer to perform, without exception, the exact thing called for in the invitation. Airwest Helicopters, Inc., B-193277, June 7, 1979, 79-1 CPD 402; Edw. Kocharian & Company, Inc., 58 Comp. Gen. 214, 217-18 (1979), 79-1 CPD 20. If the test is met, the bidder is effectively bound to perform in accordance with the invitation requirements. Id. The instructions apparently required that bid envelopes be marked for the purpose of facilitating the delivery of bids. We fail to see how Williams' failure to so mark its bid envelope would define or limit its obligation under the invitation. This deficiency was at best a minor informality which could be waived under Defense Acquisition Regulation § 2-405 (Defense Acquisition Circular No. 76-17, September 1, 1978).

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The protest is summarily denied.

for *Milton J. Aroslan*  
Comptroller General  
of the United States