

DECISION



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

FILE: B-209255

DATE: January 24, 1983

MATTER OF: Amcon Systems, Inc.

DIGEST:

Bid which offered a 30-day bid acceptance period when a 60-day acceptance period was required in invitation for bids is nonresponsive.

Amcon Systems, Inc. (Amcon), protests the rejection of its low bid as nonresponsive under invitation for bids (IFB) No. DAAG47-82-B-0119, issued by the Red River Army Depot, Texarkana, Texas, for intradepot transporters.

For the reasons set forth below, we deny the protest.

The contracting agency determined Amcon to be nonresponsive because the Amcon bid included several terms and conditions not authorized by the IFB which materially affected the rights and liabilities of the Government. In response, Amcon requests that its terms and conditions be removed from and considered inapplicable to its bid.

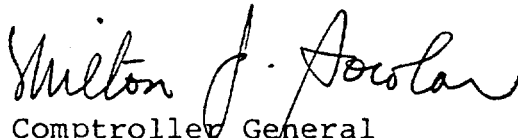
Although Amcon's bid included several exceptions to IFB provisions, we need only discuss one of these exceptions to resolve the matter. Amcon limited its bid acceptance period to 30 days from the 60 days specified in the IFB. The IFB provided that bids offering less than the number of days specified would be rejected as nonresponsive.

An IFB requirement that a bid remain available for acceptance by the Government for a prescribed time period to be considered for award is a material requirement. The failure to meet the requirement renders a bid nonresponsive and may not be waived or corrected after bid opening. Union Metal Manufacturing Company, Electroline Division, B-209161, November 2, 1982, 82-2 CPD 402; Miles Metal Corporation, 54 Comp. Gen. 750 (1975), 75-1 CPD 145; 48 Comp. Gen. 19 (1968); 46 Comp. Gen. 418 (1966). Therefore, the rejection

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of Amcon's bid was proper, and Amcon's current offer to conform to the IFB may not be permitted. Ramal Industries, Inc., 60 Comp. Gen. 666 (1981), 81-2 CPD 177, affirmed, Ramal Industries, Inc.--Reconsideration, B-202961.2, B-202961.3, November 12, 1981, 81-2 CPD 400. Fluke Trendar Corporation, B-196071, March 13, 1980, 80-1 CPD 196.

We deny the protest.

for 
Comptroller General
of the United States



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

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January 24, 1983

The Honorable Alan J. Dixon
United States Senate

Dear Senator Dixon:

We refer to your interest in the protest of Amcon Systems, Inc., concerning invitation for bids No. DAAG47-82-B-0119, issued by the Red River Army Depot, Texarkana, Texas.

By decision of today, copy enclosed, we deny the protest.

Sincerely yours,

fa 
Comptroller General
of the United States

Enclosure