

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548****FILE:** B-208654**DATE:** January 31, 1983**MATTER OF:** Grosfeld Enterprises**DIGEST:**

Bid price of "86.00 + expenses" for one line item failed to offer firm, fixed price and bid was properly rejected as nonresponsive.

Grosfeld Enterprises (Grosfeld) protests the rejection of its bid as nonresponsive to invitation for bids (IFB) No. PBS-9PPB-82-0112, issued by the General Services Administration (GSA).

GSA rejected Grosfeld's bid because it did not bid a firm, fixed price for one item. We agree with GSA and deny Grosfeld's protest.

The IFB was for elevator inspection services in Arizona, California and Nevada. The bidding schedule required bidders to submit prices per inspection at each location. At the end of the bidding schedule, the solicitation stated: "Quote a per hour price for re-inspection/testing services _____."

For that item, Grosfeld bid "86.00 + expenses." GSA determined that this was not a firm, fixed price as required in advertised procurements and rejected Grosfeld's bid as nonresponsive.

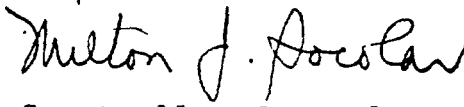
Grosfeld argues that since this item is a minor amount of the total bid price, it should be waived as a minor informality. Grosfeld also contends that the statement in the solicitation does not request a fixed price because one cannot know in advance how long an elevator reinspection will take.

The question of the responsiveness of a bid concerns whether a bidder has unequivocally offered to provide the requested items and specifications requirements of the invitation at a firm, fixed price. See, e.g., Medi-Car of Alachua County, B-205634, May 7, 1982, 82-1 CPD 439. Grosfeld's bid clearly did not offer to perform the

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reinspection services at a fixed price. "Plus expenses" is a cost-reimbursement basis. We cannot agree that the solicitation did not request a fixed price. Fixed prices are often unit prices, not total job prices. The unit in this case is 1 hour. The solicitation requested a fixed price per hour. Also, the statement in Grosfeld's bid cannot be waived as a minor informality. A bid deviation which affects price, quality, quantity or delivery in more than a trivial manner may not be waived. WFT Service Corp., B-206603, August 31, 1982, 82-2 CPD 190. Grosfeld argues that only 4 percent of the contract price over the last 3 years was attributable to reinspection services. Even assuming that statement is factual and the percentage will remain the same for this contract, we do not consider the effect to be trivial.

Protest denied.

for 
Comptroller General
of the United States