

DECISION

24478
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-209238

DATE: March 10, 1983**MATTER OF:**

R.H.G. Systems, Inc.

DIGEST:

A bid for a renovation project that does not include line item prices for efforts that the agency deleted from the contract requirements by an IFB amendment, but neglected to delete from the bidding schedule and technical specifications, is responsive, since it represents an offer to perform the exact thing called for in the amended IFB.

R.H.G. Systems, Inc. protests the award of a contract by the Department of the Army to J. A. Honeycutt, d.b.a. Commercial Contractors, to renovate barracks at Fort Polk, Louisiana, under invitation for bids (IFB) No. DAKF24-82-B-0142. R.H.G. claims that Commercial's lower bid was nonresponsive because Commercial did not bid on two of the items listed on the bidding schedule and referenced in the IFB's technical specifications, and that R.H.G., the low bidder on all items, therefore should be awarded the contract. The Army and Commercial argue that the items and technical specifications in question were effectively deleted from the IFB, even though they were not expressly deleted, when IFB amendment 0004 substituted a new set of drawings for the original ones and eliminated the work to which the items and specifications applied.

We deny the protest.

R.H.G. contends that Commercial's bid was nonresponsive to the requirements of the IFB because Commercial inserted "N/A" in the spaces provided for unit prices and amounts for items 2f and 2g on the bidding schedule. Those items were for the installation of type 1 and type 2 concrete footings, respectively, as part of a building leveling effort. R.H.G. claims that items 2f and 2g were required by paragraph 3 of the technical provisions, which states,

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"Buildings shall be leveled and pier caps extended with poured concrete caps, as detailed on drawing. Building and supporting piers shall be checked for vertical and horizontal alignment and corrected."

There is no legal merit to R.H.G.'s protest. Amendment 0004 to the IFB, which Commercial acknowledged on its bid form, substituted revised drawings for all those that had been issued with the solicitation. The portion of the new drawings entitled "Footing Details - To Relevel Bldg." was crossed out and clearly labeled "delete." The deleted drawing pictured footings--types 1 and 2.

A bid is nonresponsive only if it does not offer to perform the exact thing called for in the IFB and thus, if accepted, would not bind the contractor to perform in accordance with all of the terms of the IFB. C. T. Bone, Inc., B-194436, September 12, 1979, 79-2 CPD 190; 49 Comp. Gen. 553 (1970). Since leveling of the barracks with the attendant use of footings, was no longer required after the issuance of IFB amendment 0004, even though the Army failed to delete items 2f and 2g from the bidding schedule and paragraph 3 from the technical provisions, Commercial's bid in fact offered precisely what the Government wanted. The firm's failure to price items that were not part of the efforts for which bids were invited thus does not render the bid nonresponsive.

Moreover, neither R.H.G. nor any of the other bidders that included bid prices for items 2f and 2g was prejudiced by the Army's failure to delete the unnecessary specifications, and the items from the bidding schedule. When those firms' prices for items 2f and 2g are subtracted from their total bid price, Commercial remains the lowest bidder under the IFB. Even a clearly deficient IFB should not be canceled if award would meet the Government's needs and would not prejudice the competition. See GAF Corporation; Minnesota Mining and Manufacturing Company, 53 Comp. Gen. 586, 591 (1974), 74-1 CPD 68.

Thus, Commercial's bid was responsive to the IFB as amended by the drawing revision, and the Army's failure to conform the bidding schedule and specifications to the new drawing by deleting the need for footing prices and leveling work has no effect on Commercial's low bidder status.

The protest is denied.

for *Sheldon J. Acolar*
Comptroller General
of the United States