

DECISION



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

FILE: B-211669

DATE: May 17, 1983

MATTER OF: William D. Walston & Associates

DIGEST:

Rejection of bid as nonresponsive is proper when bid is unsigned and not accompanied by other material indicating bidder's intention to be bound.

William D. Walston & Associates (Walston) protests the rejection of its bid submitted in response to the United States Information Agency (USIA) invitation for bids (IFB) No. 45-23-3-KSR for janitorial and maintenance services.

USIA rejected the bid because it was unsigned. The bid contained only the typewritten name of the bidder and of the person authorized to sign.

USIA properly rejected the bid.

Walston argues that the typewritten names serve as a signature and that the Agency's delay in rejecting the bid (Walston's bid was rejected approximately 5 days after bid opening) should cause the bid to be considered binding. In that connection, Walston also contends that a signed letter sent after bid opening confirming the bid indicates an intent to be bound and Walston argues that the failure to sign the bid should be waived as a minor informality. Walston points out that the Government will save money by accepting its low bid.

Normally, a bid which is not signed must be rejected as nonresponsive because, without an appropriate signature, the bidder would not be bound upon acceptance of the bid. Ace Art Company, Inc., B-202353, April 1, 1981, 81-1 CPD 252. That is why Federal Procurement Regulations § 1-2.405(c) (1964 ed., circ. 1) provides that a failure to sign a bid may be corrected or waived as a minor informality only if:

- "* * * (1) the unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid document
- * * *; or (2) the firm submitting a bid has formally adopted or authorized, before

the date set for opening of bids, the execution of documents by typewritten * * * signature and submits evidence of such authorization and the bid carries such a signature."

Walston does not allege that its bid was accompanied by other material indicating an intention to be bound or by evidence that the typewritten signature was authorized. Thus, the bid clearly was nonresponsive. Ace Art Company, Inc., supra. Further, neither Mr. Walston's signed confirmation letter sent after bid opening nor the agency's delay in rejecting the bid satisfies the responsiveness requirement. The determination of responsiveness must be made from the bid as submitted. Action Manufacturing Company, B-208205.2, December 13, 1982, 82-2 CPD 526.

With regard to Walston's observation that an award to it will result in a savings to the Government, it has been our position that the public interest in strictly maintaining the competitive bidding procedures required by law outweighs any pecuniary advantage which the Government might gain in a particular case by a violation of the rules. Ace Art Company, Inc., supra.

The protest is summarily denied since it is clear from the initial submission that it lacks legal merit. Ace Art Company, Inc., supra.

for 
Comptroller General
of the United States