

**DECISION**

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

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**FILE:** B-215741**DATE:** July 24, 1984**MATTER OF:** Rawlings Mechanical Corp.**DIGEST:**

A bidder's failure to acknowledge receipt of a material amendment renders the bid nonresponsive; the fact that the bidder may not have received the amendment until the day after bid opening is irrelevant absent evidence that the failure to receive the amendment resulted from a deliberate attempt by the contracting agency to exclude the firm from competition.

Rawlings Mechanical Corp. protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. 600-136-84, issued by the Veterans Administration (VA) for the replacement of heating and cooling coils at the Long Beach VA Hospital. The VA rejected the bid because Rawlings failed to acknowledge receipt of an amendment which, according to the agency, had a substantial economic impact on the bid. Rawlings contends that it did not receive the amendment until the day after bid opening.

We deny the protest summarily.

A bidder's failure to acknowledge a material amendment to an IFB generally renders the bid nonresponsive. Porter Contracting Company, 55 Comp. Gen. 615 (1976), 76-1 CPD ¶ 2. The fact that the bidder may not have received the amendment until after bid opening is not relevant unless the failure results from a conscious or deliberate effort by contracting officials to exclude the firm from competition. C&M Machine Products, Inc., B-212830, Oct. 4, 1983, 83-2 CPD ¶ 421.

Rawlings does not deny that the amendment was material. Further, it does not suggest that it did not receive the amendment in a timely fashion because of a deliberate attempt to exclude it from consideration for

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award. Under these circumstances, we conclude that the rejection of the bid was proper.

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