



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Syracuse Safety-Lites, Inc.

File: B-222640

Date: July 1, 1986

DIGEST

1. Low bidder who submits a bid with specific dollar amounts for two items and a "No Charge" bid for a third item is responsive because, according to the IFB, the bidder clearly had the option of either submitting a bid with a dollar amount or with the "N/C" (No Charge) notation for each item. A "No Charge" bid for an item clearly corresponds with a zero dollar bid and represents the bidder's affirmative commitment or obligation to provide the item at no cost to the government.
2. An IFB evaluation factor which provides that bids shall be considered nonresponsive and will be rejected if received "without a dollar amount or N/C (No Charge) entered" for the individual items is not ambiguous. The only reasonable interpretation of this evaluation factor is that if a firm submits a bid for each item in the IFB either with a dollar amount or with the "N/C" (No Charge) notation, then the bid shall be considered responsive; only if the space provided in the IFB for the price of a particular item is left blank, or something other than a specific dollar amount or the "N/C" (No Charge) notation as authorized by the IFB is inserted, will the bid then be considered nonresponsive.

DECISION

Syracuse Safety-Lites, Inc. (Syracuse), protests the award of a contract to Johnny-On-The Spot, Inc. (Johnny), by the Department of the Army under invitation for bids (IFB) No. DAKF36-86-B-0029 for the rental and servicing of portable chemical toilets at Fort Drum, New York.

We dismiss the protest without obtaining an agency report because it is clear on its face that the protest is without legal merit. 4 C.F.R. § 21.3(f) (1986).

According to Syracuse, the bid schedule contained three separate line items for which the bidders listed the price per line item. The bids were as follows:

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<u>Item</u>	<u>Syracuse</u>	<u>Johnny-On-The-Spot</u>
0001	\$50.00	\$68.10
0002	8.00	3.50
0003	8.00	No Charge
Total	\$71,200	\$63,930

The evaluation factors for award, at page M.1 of the IFB, provided that:

"M-1. Bids received without a dollar amount or N/C (No Charge) entered for Items 0001 thru 0003, listed on the Bid Schedule, Section B, shall be considered nonresponsive and will be rejected."

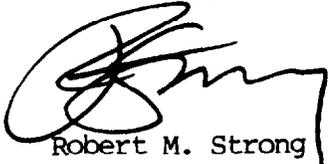
Syracuse states that based upon this language, Johnny's bid should have been rejected as nonresponsive because Johnny failed to give a dollar amount for item 0003 in its bid, and it simply entered "No Charge." In the alternative, Syracuse states that the language of the solicitation is ambiguous because it is susceptible of two conflicting interpretations-- that a "No Charge" bid is responsive, or, alternatively, that a "No Charge" bid is nonresponsive.

We do not agree with Syracuse's argument that Johnny's bid is nonresponsive. As a general rule, a bid must be rejected as nonresponsive if it is submitted without a price for every item requested by the IFB. Telex Communications, Inc., et al., B-212385 et al., Jan. 30, 1984, 84-1 C.P.D. ¶ 127. However, we recognize as an exception to the general rule that bids containing "N/C" (No Charge) or similar notations, instead of specific dollar amounts, clearly equate with zero dollar costs, and they represent a firm's affirmative commitment to obligate itself to provide the items at no cost to the government. Spectrum Leasing Corp., B-216615, Feb. 19, 1985, 85-1 C.P.D. ¶ 211. See also Aardvark/Keith Moving Co., B-200680, Mar. 6, 1981, 81-1 C.P.D. ¶ 180; Yonker, Inc., B-189869, Dec. 22, 1977, 77-2 C.P.D. ¶ 495. Here, clause M-1, consistent with the rules of responsiveness stated above, clearly gives the bidder the option of either submitting a bid with a dollar amount or with the "N/C" (No Charge) notation entered for each item. Johnny complied with the IFB requirement and submitted a responsive bid, entering specific dollar figures for items 0001 and 0002 and "No Charge" for item 0003. In our view, Johnny's "No Charge" bid corresponds with a zero dollar bid for item 0003, and it reflects Johnny's affirmative commitment to provide item 0003 at no cost to the government.

Finally, we are unable to agree with Syracuse that the language of the evaluation factor is ambiguous. In order to be considered ambiguous, the language complained of must be susceptible to two or more reasonable interpretations. Military Services, Inc. of Georgia, B-218071, May 21, 1985, 85-1 C.P.D. ¶ 577. As noted above, bids containing notations of

"No Charge" generally are responsive and indicate a commitment to provide the items at no cost to the government. Spectrum Leasing Corp., B-216615, supra. Thus, there is only one reasonable interpretation of the IFB's evaluation factor—if the bidder submits a bid for each item in the IFB either with a dollar amount or with the "N/C" (No Charge) notation, then the entire bid shall be considered responsive. The only time a firm could be considered nonresponsive under this IFB is if it submitted a bid in which it left the space for the price of an item blank, or if it entered in the space provided something other than an actual dollar amount or the "N/C" (No Charge) notation as authorized by the IFB. In this case, Johnny submitted a responsive bid by entering actual dollar figures for items 0001 and 0002 and "No Charge" for item 0003.

Accordingly, the protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel