



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Ensco Environmental Services, Inc.
File: B-224266
Date: October 9, 1986

DIGEST

Where a bid is submitted in the name of one firm and is accompanied by a letter of credit for the required bid guarantee in the name of its parent company, the bid guarantee is materially deficient and the bid must be rejected as nonresponsive.

DECISION

Ensco Environmental Services, Inc. (Ensco) protests the rejection of its low bid under invitation for bids (IFB) No. DACW41-86-B-0121, issued by the Army Corps of Engineers. The Corps determined that Ensco's bid was nonresponsive because the principal named in its bid guarantee was not the bidder. We dismiss the protest.

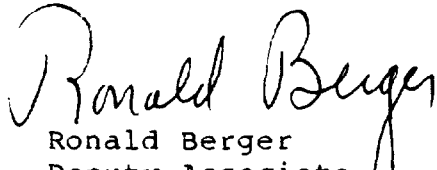
The bank which issued the letter of credit as the required bid guarantee erroneously designated the protester's parent company as the principal. The protester argues that the Corps should waive the error or permit the protester to submit a corrected letter.

Bid guarantee requirements are a material part of an IFB that the contracting officer cannot waive. Opine Construction, B-218627, June 5, 1985, 85-1 CPD ¶ 645. Thus, a bid bond which names a principal different from the nominal bidder is deficient and the defect may not be waived as a minor informality or corrected after opening. A.D. Roe Co., Inc., 54 Comp. Gen. 271 (1974), 74-2 CPD ¶ 194. Accordingly, for example, our Office has found nonresponsive a bid submitted in the name of a corporation but accompanied by a bid bond naming a joint venture as principal. See Future Electric Co., B-212938, Feb. 22, 1984, 84-1 CPD ¶ 216. Similarly, Ensco's bid here must be viewed as nonresponsive.

037013

Ensco has requested that a conference be held on the protest. No useful purpose would be served by holding such a conference, however, where, as here, it is clear from the initial protest submission that the protest is without merit. American Hospital Supply, Equipping and Consulting, B-221357, Jan. 22, 1986, 86-1 CPD ¶ 70.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel