



**The Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

**Matter of:** USA Pro Co., Inc.

**File:** B-224857

**Date:** January 30, 1987

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## DIGEST

1. Allegation of vague or ambiguous solicitation provisions is rejected where requirements are stated clearly and allegation is based on an unreasonable interpretation of the solicitation.
2. Where a solicitation requires a bidder to bid all items, a bid which fails to include a price for an item will be rejected where evaluation and award includes the item not bid.

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## DECISION

USA Pro Co., Inc. (USA) protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. N62474-86-B-4104, issued by the Officer In Charge of Construction, Marine Corps Logistics Base Barstow, California, to replace sidewalks. We deny the protest.

The IFB solicited separate bid prices for a base bid item and four additive items (Base Bid Items 1A, B, C, D). Additionally, the IFB advised that a bid which did not contain separate bid prices for the items might be considered nonresponsive and that failure to bid on all items would disqualify the bid. Amendment No. 0001 advised bidders that the low bidder for purposes of award would be the conforming responsible bidder offering the low aggregate amount for the base bid item, plus or minus (in the order of priority listed in the schedule) those additive or deductive bid items providing the most features of the work within the funds determined by the government to be available before bid opening. Amendment No. 0002 to the IFB advised bidders of certain revisions to drawings which were a part of the original IFB. Bidders were advised on one drawing to delete note "DESERT VIEW BASE BID ITEM 1A-38,727 sq ft" in its entirety and add "DESERT VIEW BASE BID ITEM 1-110,660 sq ft."

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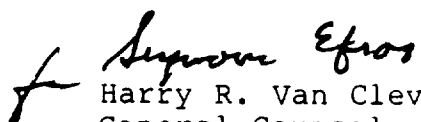
At bid opening on September 3, 1986, six bids were received. USA was the apparent low bidder. However, the Marine Corps rejected USA's bid because it did not submit a separate bid price for additive bid item 1A.

USA contends that amendment No. 0002 deleted the requirement for bidders to bid a separate price for bid item 1A and that its price for the base bid item included bid item 1A. USA essentially contends that the IFB was ambiguous and further, even assuming that its interpretation may be incorrect, the Marine Corps need not have rejected its bid because the IFB only states that the bid "may" be found nonresponsive.

We do not believe that amendment No. 0002 can be reasonably interpreted to have deleted the requirement for a separate price for bid item 1A. The drawing involved contained not only the legend that was deleted but also a separate legend indicating that additive bid item 1A is 38,727 sq. ft. Thus, as originally issued, the drawing legends showed the same square footage for the base bid item as for item 1A. The amendment corrected the square footage of the base item from 38,727 to 110,660; the square footage of additive item 1A remained the same. Accordingly, it is apparent that the Marine Corps was correcting the original drawing so that it would reflect the proper square footage of the base bid item. Since amendment No. 0002 only made the distinction between the square footage of the base bid item and item 1A clearer, we find USA's interpretation of the amendment, that item 1A was no longer a separate item, was unreasonable and its allegation that the amendment created an ambiguity with respect to the requirement for bidding separate prices for each item is without merit.

Where an IFB states that failure to bid on every item in the base bid and the additives will cause rejection of the bid, and award and evaluation under the IFB are based on all the items, a bid which fails to include prices on some items must be rejected as nonresponsive. Calalaska Air Transport, Inc., B-221628, Feb. 26, 1986, 86-1 C.P.D. ¶ 199. Since the IFB advised bidders of the requirement to bid separate prices on the base bid and additive items, we find that the Marine Corps properly rejected the bid as nonresponsive. Although USA indicates that it included its price for item 1A in its price for the base bid item, a post-bid opening explanation cannot be used to make a nonresponsive bid responsive. Id.

The protest is denied.

  
Harry R. Van Cleve  
General Counsel