



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: San Sierra Business Systems

File: B-233858

Date: December 27, 1988

DIGEST

Where a bid offers a minimum bid acceptance period of 10 days in response to a sealed bid solicitation requiring 90 days, the bid is nonresponsive and must be rejected despite the bidder's contention that it intended to offer 100 days.

DECISION

San Sierra Business Systems protests the rejection of its bid under invitation for bids (IFB) No. F04626-88-B-0052 issued by the Department of the Air Force. The solicitation required a minimum bid acceptance period of 90 calendar days, but Sierra specified in paragraph (d) of its bid a 10-day acceptance period. Sierra contends that its intention was to extend the 90-day period specified in paragraph (c) by 10 days and that therefore its bid was responsive.

We dismiss the protest pursuant to section 21.3(m) (1988) of our Bid Protest Regulations because it is clear on the face of the protest that it is without merit.

San Sierra alleges that the solicitation language in paragraph (f) of the solicitation was ambiguous and could reasonably be interpreted, as the protester did, to call for the entry in paragraph (d) of any acceptance period offered in excess of the 90-day minimum set forth in paragraph (c) of the IFB. The IFB paragraph to which the protester refers states:

"(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the

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acceptance period stated in paragraph (c) above [90 days] or (2) any longer acceptance period stated in paragraph (d) above." (Emphasis added.)

We disagree. The remainder of the solicitation provision concerning the acceptance period states in relevant part:

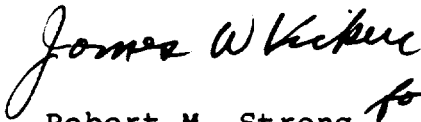
"(c) The Government requires a minimum acceptance period of 90 calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the Government's minimum requirement.

The bidder allows the following acceptance period:
_____ calendar days.

(e) A bid allowing less than the Government's minimum acceptance period will be rejected."

These provisions clearly indicate that any number specified in paragraph (d) is to be the total acceptance period, especially in light of the "or" in paragraph (f). Since the minimum bid acceptance period is a material requirement of the solicitation and San Sierra did not comply with it the agency had no alternative but to reject its bid as nonresponsive. CooperVision, Inc., B-231746, June 28, 1988, 88-1 CPD ¶ 616.



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