



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Uniroyal Plastics Company, Inc.

**File:** B-240244

**Date:** October 26, 1990

Phil Foster and Bob Pirella for the protester.  
Robert L. Adams for Rubatex Corporation, an interested party.  
Robert C. MacKichan, Jr., Esq., and Lennard Lowentritt, Esq.,  
General Services Administration, for the agency.  
Amy M. Shimamura, Esq., and James A. Spangenberg, Esq.,  
Office of the General Counsel, GAO, participated in the  
preparation of the decision.

## DIGEST

Invitation for bids (IFB) required bids for thermal insulation sheets based on a unit price per sheet and bidders could provide sheets in a range of sizes at the stated unit price. Protest that bidder offered the lowest price on a square footage basis, rather than on a per sheet basis, is denied because such an evaluation would be inconsistent with the IFB.

## DECISION

Uniroyal Plastics Company, Inc. protests the award of a contract to Rubatex Corporation for thermal insulation sheets, item Nos. 24 through 28, under invitation for bids (IFB) No. 7FXI-T5-89-5616-S, issued by the General Services Administration (GSA) for construction and building materials and vehicle door glass.

We deny the protest in part and dismiss it in part.

The IFB, issued on March 30, 1990, provided for the award of a requirements contract on an item-by-item basis to the low responsive and responsible bidder. The IFB included a total of 116 line item numbers, each of which allowed bidders to submit a price for delivery to either Zone 1 (the Eastern United States) or Zone 2 (the Western United States) or both zones.

This protest only concerns line item numbers 24 through 28 for thermal insulation sheets of various thicknesses. The IFB stated that the offered sheets could range in size as follows:

"Length - 48 inches minimum to 56 inches maximum.  
Width - 36 inches minimum to 42 inches maximum."

Under items 24 through 28, the IFB advised bidders that the unit of issue was "sheet" and bidders were required to fill in the unit price per sheet for either or both geographical zones. The IFB also requested bidders to designate the dimensions of insulation sheets offered.

Seven of the 29 bids submitted by the April 24 bid opening date included bids for items 24 through 28. Of the seven bids, six offered bid prices for the line items based on sheets that were the minimum width (36 inches) and length (48 inches). Only Uniroyal offered bid prices for the line items based on sheets that were the maximum width (42 inches) and length (56 inches). The contract for items 24 through 28 was awarded to Rubatex on June 18, based on its low unit price per sheet for each of the protested items. Uniroyal's per sheet prices for the items were third lowest.

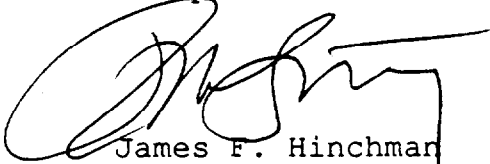
Uniroyal contends that it was the low bidder because it offered the largest sheets at the lowest cost per square foot and, therefore, it should have been awarded the contract. The protester argues that since various sizes of sheets could be offered under the IFB, the contracting officer properly should have evaluated bids on the basis of the price per square foot rather than on the basis of the price per sheet. We disagree.

A solicitation must clearly state the basis on which bids will be evaluated for award and the agency's evaluation must conform to the stated method. American Cyanamid Co., B-232200.2, June 23, 1989, 89-1 CPD ¶ 593. Here, under items 24 through 28, the IFB clearly advised bidders to provide their unit price per sheet. Thus, the solicitation required, and the contracting officer properly evaluated, unit prices on a per sheet basis so long as the sheets were in the designated size range. Nothing in the IFB suggests that bids for those items would be evaluated on other than a unit price per sheet basis or that they would be evaluated on a square foot basis. Moreover, the record suggests that Uniroyal apparently understood, when it submitted its bid, that the unit prices for items 24 through 28 were to be provided on a "per sheet" basis because its bid prices for those items were as follows: \$4.90/sheet; \$6.70/sheet; \$6.86/sheet; \$10.62/sheet; and \$13.88/sheet. Since the IFB required bids on a "per sheet" basis, the contracting officer could not

evaluate bids on a price per square foot basis. If the contracting officer had done what Uniroyal suggests, other bidders would have been prejudiced.

To the extent that Uniroyal is protesting the evaluation method set forth in the IFB, its protest is untimely and is dismissed. Under our Bid Protest Regulations, protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening are required to be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1990).

The protest is denied in part and dismissed in part.



James F. Hinchman  
General Counsel

