

Mr. Formica



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Mabuhay Building Maintenance Co., Inc.

File: B-241908

Date: November 23, 1990

Kelsey Lewis for the protester.
Michael D. Rigg, Esq., Department of the Navy, for the agency.
John Formica, Esq., and John Brosnan, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Bid modification submitted via facsimile transmission in response to a solicitation which provided that facsimile modifications would not be considered was properly rejected by the agency.

DECISION

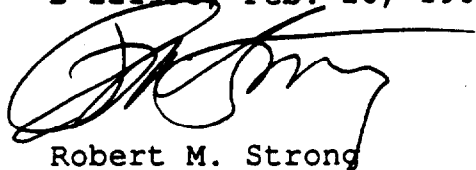
Mabuhay Building Maintenance Co., Inc. protests the rejection of its bid modification which was sent via facsimile transmission and the award of a contract to any other bidder under invitation for bids (IFB) No. N00189-90-B-0015, issued by the Naval Supply Center (NSC), for mess attendant services. The Navy rejected Mabuhay's bid modification on the basis that the submission of facsimile modifications was not authorized by the solicitation.

We summarily dismiss the protest without obtaining a full agency report because based on information provided by the agency it is clear that the protest does not state a valid basis for protest. Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990).

Section L10(c) of the IFB provides that "[f]acsimile bids, modifications, or withdrawals, will not be considered unless authorized by the solicitation." There is no language in the

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solicitation which provides such authorization. Accordingly, since facsimile bid modifications were not authorized, the Navy properly rejected Mabuhay's bid modification which was submitted via facsimile transmission. See Marbex, Inc., B-221995, Feb. 28, 1986, 86-1 CPD ¶ 212.

A handwritten signature in black ink, appearing to read 'R. Strong', with a long horizontal flourish extending to the right.

Robert M. Strong
Associate General Counsel