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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dawson Construction Company, Inc.

File: B-244204

Date: May 30, 1991

Tom Dawson for the protester.

DIGEST

A bidder that conditions an extension of its bid acceptance period upon an increase in price renders itself ineligible for award after its bid expires, since it has attempted to change a material term of the bid.

DECISION

Dawson Construction Company, Inc. protests the rejection of its bid under invitation for bids (IFB) No. GS-07P-91-HUC-0018, issued by the General Services Administration (GSA) for roof repair. Dawson contends that the contracting officer improperly rejected its bid extension. We dismiss the protest.

When bids were opened on March 22, Dawson's bid was low. On April 18, GSA requested a 60-day extension of the bid acceptance period. The next two low bidders agreed to the bid extension before bids were to expire on May 21. On May 21, Dawson submitted a letter agreeing to a 60-day extension of its bid acceptance period contingent on an increase in price. GSA rejected Dawson's bid.

Dawson's basic contention is that when a bid extension is requested, the bidder has a right to increase its price if additional cost will be incurred due to an award delay. Dawson points out that even with the price adjustment it remains the low bidder.

Where a bidder qualifies an extension to its bid acceptance period by conditioning it upon a change in a material term of its bid such as price that bidder is ineligible for award after the original bid expires. Koskam, Inc., B-221806, May 14, 1986, 86-1 CPD ¶ 460. Bidders are not permitted to revise their bids when granting an extension, as this is tantamount to submitting a second bid after bid opening which is contrary to competitive bidding principles. S. J. Groves & Sons Co., B-207172, Nov. 9, 1982, 82-2 CPD ¶ 423. Therefore,

GSA correctly viewed Dawson's letter as a refusal to extend the bid as originally submitted. Since the original bid had expired, Dawson is not eligible for award. Id.



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