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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Barnett Business Services, Inc.

File: B-244243

Date: June 5, 1991

Sonia Barnett, for the protester.

DIGEST

Bid properly was rejected as nonresponsive where it offered 60-day acceptance period instead of required 90 days; offer of shorter than required acceptance period, even where allegedly due to typographical error, cannot be changed after bid opening.

DECISION

Barnett Business Services, Inc. protests the rejection of its bid under General Services Administration (GSA) invitation for bids (IFB) No. GS-11P-91-MJD-0014. GSA rejected Barnett's bid as nonresponsive because the IFB required a 90-day bid acceptance period, and Barnett's bid offered only a 60-day period.

A provision in a sealed bid solicitation requiring that a bid remain available for the government's acceptance for a specified amount of time is a material requirement, and therefore must be complied with at the time of bid opening for the bid to be responsive. Elevator Control Serv., Elcon Enters., Inc., B-239360, June 6, 1990, 90-1 CPD ¶ 534.

Barnett asserts that its offer of 60 days was a typographical error--that it intended to offer the required 90-day acceptance period--and concludes that the agency should waive the error and make award to Barnett based on its low price. It is well-established, however, that a nonconforming acceptance

period specified in a bid is not a correctable minor irregularity in the bid that can be corrected after bid opening; rather, it is a fatal defect that renders the bid nonresponsive. Elevator Control Serv., Elcon Enters., Inc., B-239360, supra; General Elevator Co., Inc., B-226976, Apr. 7, 1987, 87-1 CPD ¶ 385.

The protest is dismissed.



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