

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

Decision

Matter of: Echo General Contracting
File: B-257745
Date: July 12, 1994

DECISION

Echo General Contracting protests the rejection of its bid by the Government Printing Office under solicitation No. 5105694CSG.

Echo submitted a bid in response to the solicitation. On May 25, 1994, the agency requested bidders to extent their bid acceptance periods, which were about to expire, since award had not yet been made due to budget constraints. Echo extended its bid by 30 days, but included with its extension a note that stated "if there are any price increases due to the delay of the contract award, bid amount will be subject to change." The agency then rejected Echo's bid.

We dismiss the protest.

Echo's bid, as extended, did not comply with the solicitation because, in light of Echo's note, its bid no longer offered a firm, fixed price, but instead reserved the right to increase its price. A bid reserving such a right in these circumstances is nonresponsive and therefore is properly rejected.

While the protester asserts that the note did not change its bid price, but only "reserved . . . any legal rights which might later arise as to price increases after award," the note clearly reserved the right to change the bid amount. Such a right, whether intended to be exercised before or after award, is inconsistent with the government's right to have a contractor perform at its bid price regardless of any cost increases engendered by a delay in the award.

Ronald Berger
Associate General Counsel