



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

Decision

Matter of: Drake Contractors, Inc.

File: B-258793

Date: November 8, 1994

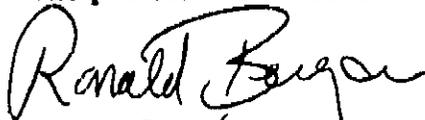
DECISION

Drake Contractors, Inc. protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. F05611-94-B-1020 by the Department of the Air Force.

A bid is responsive as submitted when it offers to perform without exception the exact thing called for in the IFB, and acceptance of the bid will bind the contractor to perform in accordance with all the IFB's material terms and conditions. Stav, Inc., B-237073, Dec. 22, 1989, 89-2 CPD ¶ 586. In this case, the protester did not submit the required Certificate of Procurement Integrity with the its bid, although it did submit a signed Certificate of Procurement Integrity-Modification. Drake asserts that its signature on the modification certificate is sufficient to bind it to the requirements of the basic certificate.

The Certificate of Procurement Integrity is a material part of the bid because it imposes substantial legal duties on the bidder. See Fire Eng'g Co., Inc., B-245525, Sept. 24, 1991, 91-2 CPD ¶ 280; Ed A. Wilson, Inc., B-244634, July 12, 1991, 91-2 CPD ¶ 53. Therefore, a bid that does not contain a properly executed certificate must be rejected as nonresponsive. Although the modification certificate (found at Federal Acquisition Regulation (FAR) § 52.203-9) is similar to the basic certificate (found at FAR § 52.203-8), they are not the same. The bidder's certification, commitment, and obligation under the modification certificate go only to the contingent event of a post-award contract modification--by the very terms of the modification certificate, they cannot go to what is required by the basic certificate. Therefore, the execution of the modification certificate does not satisfy the requirement for a signed basic Certificate of Procurement Integrity. See Turley Constr. Co., B-255872, Feb. 1, 1994, 94-1 CPD ¶ 60. Accordingly, the bid was properly rejected.

The protest is dismissed.


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