



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** U.S. Advertising, Inc.

**File:** B-260193

**Date:** February 3, 1995

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### DECISION

U.S. Advertising, Inc. protests the General Services Administration's rejection of its bid for specifying a shorter bid acceptance period than that required under invitation for bids (IFB) No. 7FXG-S4-94-8102-S.

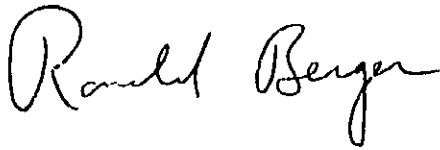
We dismiss the protest.

The solicitation contained a 90-day minimum bid acceptance period; in the space provided by the solicitation, the protester inserted 60 days. The agency rejected the bid because it specified a bid acceptance period of less than the required 90-day period. U.S. Advertising argues that rejection was improper, that its "intention and actual bid acceptance period is . . . 90 days," and that the error can be corrected. We disagree.

Specified bid acceptance periods are material requirements. A minimum acceptance period in an IFB requires all bidders to share the same business risks of leaving their bids open for acceptance by the government for the same amount of time. A bidder in line for award that is allowed to specify a shorter acceptance period would have an unfair advantage over its competitors by being able, on the one hand, to refuse the award after the bid acceptance period expires should the firm decide it no longer wants the award because of unanticipated cost increases, or, on the other hand, to extend the bid acceptance period after competing bids have been exposed if the firm wants the award. Sac & Fox Indus. Ltd., B-231873, Sept. 15, 1988, 88-2 CPD ¶ 250. Consequently, it is well-established that an IFB requirement that a bid remain available for acceptance by the government for a prescribed period of time is a material requirement, and a failure to comply with it cannot be waived or corrected after bid opening. See, e.g., Taylor Lumber & Treating, Inc., B-229715, Dec. 23, 1987, 87-2 CPD ¶ 625. This is the case even if the bid would provide savings to the government; we have long recognized that the public interest

in maintaining the integrity of the competitive bidding process outweighs any monetary benefit to be gained from waiving bidding deficiencies. Id.

The protest is dismissed.

A handwritten signature in black ink, reading "Ronald Berger". The signature is written in a cursive, flowing style.

Ronald Berger  
Associate General Counsel