

Ms Sklarew



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

335196

## Decision

**Matter of:** Coastal Government Services, Inc.

**File:** B-261549

**Date:** June 19, 1995

### DECISION

Coastal Government Services, Inc. protests the Department of the Air Force's rejection of its bid as nonresponsive under invitation for bids (IFB) No. F11623-95-B-0010.

We dismiss the protest.

In response to the IFB, Coastal submitted a bid that included a source-selection legend at the bottom of each page and a cover sheet which stated, "This proposal, furnished in connection with Request for Proposals [sic] No. F11623-95-B0010, includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this proposal . . . ."

Under the Competition in Contracting Act of 1984, bids are to be opened publicly. 41 U.S.C. § 253a. The purpose of public opening is to protect both the public interest and the bidders against any form of fraud, favoritism, or partiality and to leave no room for suspicion. Industrial Acoustics Co., Inc.; Acoustic Sys., B-255123.2 et al., Mar. 29, 1994, 94-1 CPD ¶ 220. This requirement for public opening means that a restriction upon disclosure of bid information renders the bid nonresponsive if it prohibits bidders from knowing the essential nature and type of products offered, or those elements of a bid relating to quantity, price, and delivery terms. Id.; see also Federal Acquisition Regulation § 14.404-4. We therefore view a restriction upon disclosure of a bid as rendering the bid nonresponsive. Automated Business Sys. and Servs., Inc., B-207380, June 30, 1982, 82-1 CPD ¶ 639.

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Here, the restrictive legend and cover page prohibited the disclosure of Coastal's bid. We conclude that the Air Force properly rejected Coastal's bid as nonresponsive. The protest is dismissed.

A handwritten signature in cursive script that reads "John Van Schaik".

John Van Schaik  
Acting Assistant General Counsel