

Thomas



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

Decision

Matter of: General Marine and Fabrication, Inc.

File: B-262078

Date: August 23, 1995

DECISION

General Marine and Fabrication, Inc. protests the rejection of its bid by the Department of the Army under invitation for bids (IFB) No. DACW43-95-B-0228.

We dismiss the protest.

General Marine, in response to the Army's request, extended its bid acceptance period for 45 days; however, it included with the extension agreement the following language:

"Note: General Marine & Fabrication Reserves the right to review and verify cost impact due to this extension."

By this language, General Marine placed a condition upon the extension of its bid. Where a bidder qualifies an extension to its bid acceptance period by conditioning it upon a change in a material term of its bid, that bidder is ineligible for award after the original bid expires. Kos Kam, Inc., B-221806, May 14, 1986, 86-1 CPD ¶ 460, aff'd, B-221806.2, June 11, 1986, 86-1 CPD ¶ 543. Here, General Marine, by reserving the right to consider the cost impact of the extension, indicated that it reserved the right either to withdraw the bid despite the extension or seek a price increase, thus providing a change to a material term of its bid. Accordingly, the agency has properly rejected General Marine's bid.

The protest is dismissed.

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