



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: David Boland, Inc.

File: B-261942

Date: October 16, 1995

David Boland for the protester.

Deidre A. Lee, National Aeronautics and Space Administration, for the agency.
Charles W. Morrow, Esq., and James A. Spangenberg, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that low alternate bid was nonresponsive for failing to include a separate bid bond for each alternate bid is denied where the solicitation did not require separate bonds and the low bidder submitted a properly executed bond.

DECISION

David Boland, Inc. protests the award of a contract to Sauer Incorporated under invitation for bids (IFB) No. 10-95-0033, issued by the National Aeronautics and Space Administration, John F. Kennedy Space Center, for the expansion of the industrial area chilled water distribution and control system.

We deny the protest.

Under the IFB, bidders were required to bid on the basis of constructing to either an all electric driven chiller configuration design (Task I-A) or to an electric gas driven chiller configuration design (Task I-B). Bids based upon either design were acceptable, and bidders were permitted to submit alternate bids.¹ The IFB required each bidder to submit "a bid bond" in the amount of 20 percent of the bid price or \$3 million, whichever was the lower amount.

¹Amendment No. 1 advised bidders to submit separate Standard Form (SF) 1442s in the case of alternate bids.

The low bid of \$5,900,000 for Task I-A was submitted by Sauer. Boland submitted the next low bid of \$5,963,000 for Task I-A. Sauer also submitted an alternate bid of \$7,240,000, for Task I-B. Sauer's bids were submitted on separate SF 1442s accompanied by one properly executed bid bond. Boland argues that Sauer's alternate bids are nonresponsive because they were accompanied by only one bid bond.

A bid guarantee provision in a solicitation is a material requirement, and a bid that fails to comply with such a requirement as of bid opening is nonresponsive. See Spotless Janitorial Servs., Inc, B-257341, Sept. 15, 1994, 94-2 CPD ¶ 102. However, unless specifically requested, there is no requirement to submit separate bid bonds in response to a solicitation permitting alternate bids under one procurement resulting in one award. See Durable, Inc., B-228911, Nov. 3, 1987, 87-2 CPD ¶ 442. Here, the IFB required only one bid bond, which Sauer properly executed, in the proper amount, without restriction to either alternate bid. The bond thus provided the government with the necessary security for Sauer's low Task I-A bid. Id. Therefore, Sauer's low bid met the bid bond requirements and was responsive.

The protest is denied.

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