



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-231480.5

October 18, 1988

Auto-X, Inc.
P.O. Box 1896
Del Ray Beach, FL 33444

Dear Ms. [redacted] :

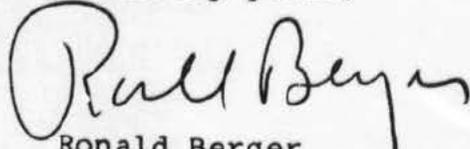
This is in response to your letter dated October 9, 1988, in which you request that invitation for bids (IFB) No. F02601-88-B-A023 be rebid. In your letter, you state that you were advised by the agency that your protest (filed with our Office on July 5, 1988) would extend the bid opening beyond July 8, 1988. Apparently, you relied on this information in making your decision to not submit a bid on that date. You also point out that the agency previously extended the bid opening after other offerors under this solicitation had filed protests.

Contrary to the advice you state you received, the filing of a protest does not delay or suspend bid opening. The Competition in Contracting Act, 31 U.S.C. § 3553(c) (Supp. IV 1986), provides that when a contracting agency receives notice of a protest from the General Accounting Office prior to award of a contract, it may generally not award a contract under the protested procurement while the protest is pending. There is no requirement, however, that bid opening be postponed. While it is true that the agency extended bid opening following an earlier protest under this solicitation, the agency apparently did so in an effort to resolve the protest issues, not because it was required to do so.

We note that the postponement of the bid opening date was effected by an IFB amendment. However, there was no amendment indicating that bid opening was to be extended beyond July 8. With respect to your contention that you were told that bid opening would be delayed, any such oral advice would have been in conflict with the terms of the IFB which continued to state that bid opening would be held on July 8. Our decisions state that oral advice generally does not bind the government, and bidders rely on such oral

advice at their own risk. See, e.g., A.R.S. Construction Co., B-228476, Jan. 27, 1988, 88-1 CPD ¶ 82. Consequently, we decline to further consider this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the typed name and title.

Ronald Berger
Associate General Counsel