

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-185961

DATE: July 8, 1976

61095
98330

MATTER OF: Global Fire Protection Company

DIGEST:

Protest by low bidder against determination that its bid was nonresponsive since drawings submitted with bid failed to contain pipe sizes as required by IFB is denied since such omissions from drawings which pertain to design or parts is material deviation which goes to substance of bid affecting quality and, therefore, bid was correctly determined to be nonresponsive. Further, if bidder needed further information to effectively design sprinkler system, it had obligation to seek such information prior to submitting bid.

Global Fire Protection Company (Global) protests against the award of a contract to J. S. Drew Construction Co. (Drew) under invitation for bids (IFB) on project No. 578-76-813, issued by the Veterans Administration (VA) Hospital, Hines, Illinois, for sprinkler systems for several buildings.

Bids were opened on January 28, 1976, with five bidders responding to the IFB. Drew submitted a bid in the amount of \$41,425, and Global's bid was in the amount of \$41,326. Global's bid was rejected after it was determined to be nonresponsive because it failed to meet certain requirements as specified in the IFB. The administrative record cites numerous defects in Global's bid; however, the major defect was its failure to show pipe sizes on the bidder's drawings. The VA contends that without the pipe sizes, it was unable to properly evaluate the bid.

The Construction Specifications section of the IFB contained the following requirements:

"3. It shall be the responsibility of the bidder to thoroughly analyze actual conditions at every site, and develop the most economical system that will meet all requirements of N.F.P.A. Bulletin No. 13, 'Installation of Sprinkler Systems of 1974,' and all applicable local codes.

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"6. Each bidder's proposal shall include the method of connecting into the available water supply, pipe type, and size, controls, etc., and in the case of underground piping, proposed excavation and backfill methods and details.

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"20. Bidders shall furnish complete equipment and piping specifications and installation drawings with the bids to allow for system effectiveness and analysis and safety requirement compliance before the contract is awarded."

Since Drew provided all the information required in the drawings, the contract was awarded to it as the low responsive, responsible bidder on February 11, 1976.

Global contends that the specifications call for a sprinkler system designed in accordance with the National Fire Protection Association (N.F.P.A.) Pamphlet No. 13. One primary requirement of the N.F.P.A. pamphlet in regard to automatic sprinkler systems is that the system be designed hydraulically. Global argues that in order to design a system hydraulically, water flow characteristics must be furnished showing, specifically, static pressure and a residual pressure with a flow rate of a fixed number of gallons per minute. Global states that to accurately design such a system, the designer must be furnished the specific characteristics for the exact location where the system is intended to be installed. Global further argues that it was only given approximate characteristics which did not enable it to size every piece of pipe. Finally, Global states that the specifications do not require it to show pipe sizes other than at the location of a connection to the outside.

As a general rule a bid is responsive if it complies with all material or essential provisions of the IFB. A deviation from the terms of the IFB is material or substantial if it affects price, quantity, quality, or delivery. Prestex, Inc. v. United States, 320 F.2d 367 (Ct. Cl. 1963); 40 Comp. Gen. 432 (1961). The responsiveness of a bid is for determination upon the basis of the terms of the invitation on which the bid is submitted. 41 Comp. Gen. 721 (1962).

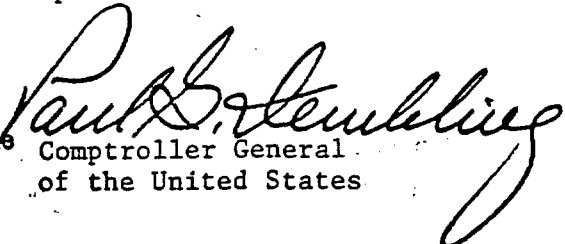
We agree with Global that the specifications called for a sprinkler system designed in accordance with N.F.P.A. Pamphlet No. 13 which does not require pipe sizes on drawings. However, it also seems quite clear from the language quoted above that the bidders must furnish pipe sizes to allow for an adequate analysis of the proposed system's effectiveness. The VA has stated that based on hydraulic design principles, Global's piping arrangement is not satisfactorily applicable to any one of the buildings in which the system is to be installed.

It has long been the position of our Office that deviations in a bid from the advertised specifications relative to design and parts go to the substance of the bid by affecting the price or quality of the articles. 30 Comp. Gen. 179 (1950). We have also held that a bid is nonresponsive if omissions from drawings pertain to design or parts since this is a material deviation affecting quality. See B-175793, September 22, 1972.

Inasmuch as Global's drawings did not contain the pipe sizes as required by the specifications, we must therefore conclude that the bid was properly rejected.

In regards to Global's contentions concerning the specific water flow characteristics which are necessary to design a hydraulic sprinkler system, the VA states that the safety office gave detailed water flow characteristics to all prospective bidders, including Global, who attended the site visit on January 7, 1976. This information was also given to bidders who contacted the safety officer by telephone for further verification. Global's bid package included a section entitled "Caution to Bidders" which stated "For additional information, contact the Engineer Officer, Building #2, Veterans Administration Hospital, Hines, Illinois 60141. PHONE: 261-6700 or 343-7200, Extension 2382." Therefore, if Global found that it needed additional information to effectively design a hydraulic sprinkler system, it had an obligation to seek the necessary information prior to submitting its bid.

In view of the above, the protest must be denied.


For the Comptroller General
of the United States