



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20543

30979

B-177670

May 29, 1973

The Honorable Robert C. Seamans, Jr.  
The Secretary of the Air Force

Dear Mr. Secretary:

The Procurement Division, Holloman Air Force Base, New Mexico, issued invitation for bids (IFB) No. F29551-73-R-0044 on November 2, 1972, for a recording and measurement system which is to be interfaced with a rain analyzer system. Eight bids were received and opened on November 29, 1972, and the Data Graphics Corporation was the low bidder. The contracting officer proposes, however, to reject Data Graphics' bid as nonresponsive because the cover letter transmitting the bid omitted several words included in the invitation's specifications. Data Graphics then protested to our Office, and in a report furnished to our Office dated March 9, 1973, (LGM), your Department has expressed a reluctance to make a recommendation as to the disposition of the protest.

The specifications found in Section F, paragraph 2 of the IFB provide:

The requirements of "General Specifications for Ground Electronic Equipment" MIL-E-4158 (USAF) are applicable only insofar as quality of materials, workmanship, and process wiring and cabling procedures are concerned. The provisions relating to MIL approval, marking, inspection, and type testing of components are not applicable but the highest grade commercial parts shall be used. (Emphasis Added.)

But the Data Graphics' bid included a cover letter which stated in its summary section:

[ Proposal To Reject Bid as Nonresponsive ]

~~718352~~ 091858

B-177670

Data Graphics Corporation is offering to supply Procurement Division, Holloman AFB, New Mexico, with a recording and measurement system complete with instruction, manuals, and diagrams in accordance with solicitation number F29551-73-R-0044.

\* \* \* \* \*

The requirements of "General Specification for Ground Electronic Equipment" MIL-E-4150 (GEM) as applied to quality of materials, workmanship, grade commercial parts will be used. (Emphasis added.)

The contracting officer decided that because the bidder omitted the words "process wiring and cabling procedures" after the word "workmanship" in restating a portion of the specifications in its cover letter, the bid was nonresponsive. He concluded that the omission must be construed as an indication of Data Graphics' intent to qualify its bid.

In reaching this conclusion, we note that the contracting officer refers only to the omission of the phrase "process wiring and cabling procedures," whereas the entire omission includes all of the next sentence except the ending phrase "grade commercial parts will be used." The foregoing quoted portion of that sentence, however, makes no sense without inclusion of the word "highest" preceding the word "grade."

We have held that the intent of a bidder must be determined on the basis of a reasonable construction of the entire contents of the bid. 49 Comp. Gen. 851 (1970). In this case the incomplete sentence was included in the summary section of the bidder's cover letter, but the summary section also included an opening statement to the effect that the bidder intended to comply with the specification. We think the incomplete sentence should be interpreted in light of the opening sentence and that the bid reasonably may be construed as offering to comply with all the requirements of Section F, paragraph 2, of the IFB, including the omitted portion of the paragraph.

Accordingly, Data Graphics' bid need not be rejected for the reason stated.

Sincerely yours,

Paul G. Donbling

For the Comptroller General  
of the United States