



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

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B-178436

June 25, 1973

Bailis and Hoyt
Attorneys at Law
2661 North Lincoln Avenue
Chicago, Illinois 60614

Attention: Ronald B. Bailis, Esquire

Gentlemen:

Reference is made to your letter dated April 28, 1973, and prior correspondence, protesting in behalf of U. S. Building Maintenance, Division of Transcontinental Cleaning Company, Incorporated, against the award of a contract to the low bidder, Able Maintenance Services Company, Incorporated (Able), under invitation for bids No. H62477-73-C-0540 issued March 9, 1973, by the Naval Ship Research and Development Center, Annapolis Laboratory, Annapolis, Maryland.

The invitation, as amended, covers custodial services for Navy buildings located at the Annapolis installation. Bids were opened April 13, 1973, and the low bid was submitted by Able. You contend that this bid may not be accepted because it was unsigned.

The unsigned bid, however, was accompanied by a signed Amendment No. 2 (although Amendment No. 1 was unsigned) and a signed Bid Bond, both by Alonzo Reid, Jr., as president of Able. The Navy proposes to accept the low bid in accordance with ASPR 2-405(111)(B) which provides that the failure of a bidder to sign his bid may be waived as a minor informality if:

the unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid document such as the submission of a bid guarantee with bid, or a letter signed by the bidder with the bid referring to and clearly identifying the bid itself; * * *.

The above cited regulation is in accord with decisions of our Office in which we have held that an unsigned bid may be considered for award if accompanied by some documentary evidence showing a clear intention by the bidder to submit the bid in question. 36 Comp. Gen. 523 (1957); B-164040, June 26, 1968. In the instant case the signed Amendment No. 2 and the signed Bid Bond accompanying

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B-178436

the submission of the unsigned bid clearly establishes the bidder's intention to be bound by the unsigned bid document.

Therefore, we find that Able's bid may be considered for award. Accordingly, your protest is denied.

Sincerely yours,

Paul G. Dembling

Acting Comptroller General
of the United States