



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

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MAY 29 1975

The Honorable
The Attorney General

Dear Mr. Attorney General:

We refer to a letter dated February 4, 1975, from the Regional Director, Kansas City Regional Office, Bureau of Prisons, furnishing a report in connection with a protest by Dobbs Detroit Diesel, Inc., against the rejection of its bid submitted in response to IFB 132-8818-L, issued by the United States Penitentiary, Leavenworth, Kansas.

Enclosed is a copy of our decision of today concluding that all the bids are nonresponsive and recommending that before the procurement is resolicited the specifications be reviewed with a view toward amending them so as to allow a two-cycle engine to be offered. In addition, we note that the delivery clause on page 6 of the solicitation did not set any desired or required date of delivery but merely stated:

"DELIVERY DATE PROPOSED: _____ (days) AFTER RECEIPT
OF ORDER."

We have held that this open-ended delivery provision is objectionable because it does not provide a definite standard against which all bidders can be measured or on which all bids can be based. 51 Comp. Gen. 518 (1972). See also Federal Procurement Regulations § 1-1.316-2 (1964 ed.) Accordingly, we recommend that in any future solicitation a definite delivery time be specified.

We would appreciate advice of whatever action is taken on our recommendations.

Sincerely yours,

R.F.KELLER

Deputy,
Comptroller General
of the United States

Enclosure