



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

B-179247

October 9, 1973

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Park Cities Van Lines, Inc.
11282 Indian Trail
Dallas, Texas 75229

Attention: Mr. Clifton L. Robinson
President

Gentlemen:

By letter dated July 16, 1973, you protested the rejection of your bid as nonresponsive under solicitation No. 10-73-PSS-7FZT, issued by the General Services Administration (GSA).

The solicitation was issued on June 8, 1973, for transportation services (including drayage, moving, packing, crating and incidental labor and services) required by Government agencies within the city limits or commercial zones of various cities, including Dallas, Texas. You were the lowest aggregate bidder for the Dallas area, but the contracting officer determined that your bid was nonresponsive because you failed to enter bid prices under column B of item 6, export shipment. You protested the rejection of your bid to the contracting officer, who denied your protest by letter of July 13, 1973.

The solicitation provided on page 8 that:

"Award will be made to the responsible bidder having the lowest aggregate [bid] for each city. To be considered responsive, each bidder must bid on all items and sub-items under Columns A and B, SCHEDULE OF RATES AND CHARGES * * *. FAILURE TO BID ON ALL SERVICES SHALL DISQUALIFY THE BID AS BEING NONRESPONSIVE.

"NOTE: See exception for export packing and crating at New Orleans, Louisiana, Item 6, Column B, * * *."

A footnote to item 6, column B, cautioned: "Do not submit bids under Column B - Export Shipments for services to be performed within the city limits or commercial zone of New Orleans, Louisiana."

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Basically, it is your contention that the solicitation was confusing in that you were under the impression that you were not supposed to bid on these subitems. Originally, you entered prices under this subitem but, after rereading the instruction you "whited out this bid and typed in 'N/A' above the white ink." You interpreted the cautionary footnote to item 6, column B, as meaning that no bids should be entered except for export shipments within the city limits or commercial zone of New Orleans.

GSA, however, disagrees with this interpretation and argues that the proper meaning to be given to this footnote is that bids must be submitted under column B, except for export shipments within New Orleans.

Bidders were required by the above quoted provision on page 8 of the solicitation to bid on all items and subitems under columns A and B or their bids would be nonresponsive. The only exception to this requirement was the note which cautioned, "See exception for export packing and crating at New Orleans, Louisiana, Item 6, Column B * * *." When this caveat is read in conjunction with the footnote under item 6, column B, we think the meaning of these provisions is clear and that the general requirement that bids must be submitted for all items and subitems under column B does not apply to export shipments within New Orleans. Although you apparently misinterpreted these provisions, we fail to see that they were ambiguous or confusing.

Furthermore, we should point out that under our "Interim Bid Protest Procedures and Standards," protests based on ambiguities apparent prior to bid opening should be filed prior to bid openings. 4 C.F.R. 20. Since you admit to confusion over the meaning of these provisions prior to bid opening, you should have attempted to resolve this confusion with the agency or protest to our Office before submitting your bid.

Finally, you urge that you be permitted to correct your mistake pursuant to Federal Procurement Regulations (FPR) 1-2.406. This provision does not provide authority for correction in the situation here. FPR 1-2.406-3(a) stipulates that:

"The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the invitation for bids, and may not be used to permit correction of bids to make them responsive."

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Since your bid, as submitted, was nonresponsive, it may not be corrected.
40 Comp. Gen. 132 (1980).

Accordingly, your protest is denied.

Sincerely yours,

PAUL G. DEMBLING
For the Comptroller General
of the United States