



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

B-179272

October 12, 1973

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Wells and Breaux
Attorneys at Law
1633 St. Charles Avenue
New Orleans, Louisiana 70130

Attention: John H. Wells, Esquire

Gentlemen:

Reference is made to your letter dated July 19, 1973, protesting on behalf of Westbank Data Entry, Division of Westbank Business College, Incorporated, against the award of a contract to the low bidder, Cooper Data Systems, Incorporated (Cooper), under invitation for bids (IFB) No. SO-73-8, issued May 29, 1973, by the Forest Service, Southern Forest Experiment Station, New Orleans, Louisiana.

The invitation covers card handling support services relating to automatic data processing work on a pick-up and delivery basis, the pick-up and delivery station being the Southern Forest Experiment Station. Bids were opened June 22, 1973, and the low bid was submitted by Cooper. You contend that this bid may not be accepted because it was unsigned.

The unsigned bid, however, was accompanied by a signed "Experience Questionnaire" which was required to be submitted with the bid and which contained the solicitation number and an affirmative statement that the firm has adequate personnel and equipment to perform the required services. The Forest Service accepted the low bid in accordance with Federal Procurement Regulations (FPR) 1.2.405(c) 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, or a letter signed by the bidder with the bid referring to and clearly identifying the bid itself; * * *."

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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. 48 Comp. Gen. 648 (1969), affirmed B-166190, May 8, 1969; B-178436, June 25, 1973. In the instant case the signed Experience Questionnaire accompanying the submission of the unsigned bid clearly established the bidder's intention to be bound by the unsigned bid document.

Therefore, we find that Cooper's bid was properly accepted for award. Accordingly, your protest is denied.

Sincerely yours,

Paul G. Dembling

Acting Comptroller General
of the United States