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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

8-113920

FEB 27 1953

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Captain H. A. Forster, USAF, Contracting Officer
Building 247
Sheppard Air Force Base, Texas

Dear Captain Forster:

I have your letter of February 20, 1953, with enclosures, requesting a decision as to the validity of a bid submitted by Longhorn Paint Company, San Antonio, Texas.

By invitation No. 41-612-53-61 bids were requested—to be opened at 1 p.m. on February 19, 1953—for furnishing six items of paint in accordance with certain specifications. It is stated that Longhorn Paint Company was not included on your Bidders List and, therefore, a copy of the invitation was not mailed to that company. However, it appears that the company saw a copy of the invitation and forwarded a letter dated February 12, 1953, as follows:

Re: Bid Invitation No. 53-61
Opening Date: February 19, 1953

We have learned of your above bid invitation and wish to submit our quotations, as follows:

	<u>Per Gallon</u>	<u>Total</u>
160 gallons Enamel, Semi-Gloss TT-B-506 Capri Blue	\$2.18	\$348.80
155 gallons Enamel, Semi-Gloss TT-B-503 Yellow	\$2.18	\$337.90
95 gallons Enamel, Semi-Gloss TT-B-508 Canterbury Gray	\$2.18	\$207.10
50 gallons Enamel, Semi-Gloss TT-B-500 Medium Turquoise	\$2.28	\$114.00
155 gallons Paint, Flat Wall TT-P-51b Gray-Ivory	\$2.17	\$336.35

"Shipment will be made within 18 days after receipt of order. A cash discount of 1% will be allowed for payment within 10 days. Contractor, employing, normally, 19 wage earners, proposes to manufacture items at San Antonio, Texas."

The company has offered to furnish paint exactly as required by the specifications and, by referring to the invitation, has impliedly agreed to abide by all the provisions contained therein. The invitation number and date of opening is shown and the bid apparently was opened together with the other bids at the appointed time.

In the present case, the failure to submit the bid on Standard Form 33 clearly is not such a deviation as would affect either the price, quality or quantity of the supplies offered and is not prejudicial to the rights of the other bidders. The informality here involved is not one of substance and properly may be waived by the Government. See 30 Comp. Gen. 179.

Accordingly, you are advised that the informality may be waived and the bid of the company considered along with the other bids.

The papers submitted with your letter are returned herewith.

Sincerely yours,

Frank E. ...
Acting Comptroller General
of the United States

Enclosures