



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Knightsbridge Construction Corp.

File: B-272612

Date: October 23, 1996

Joel S. Rubinstein, Esq., Bell, Boyd & Lloyd, for the protester.
Col. Nicholas P. Retson, Department of the Army, for the agency.
Wm. David Hasfurther, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where only one amendment was issued to a solicitation, a bidder's use of an "X" instead of the number and issuance date of that amendment in completing the block provided for the acknowledgment of amendments on Standard Form 1442 does not render the bid nonresponsive under circumstances where the "X" represents the bidder's clear intent to be bound to the amendment.

DECISION

Knightsbridge Construction Corp., the second low bidder, protests the proposed award to Castle Electromechanical Inc. under invitation for bids (IFB) No. DAHA30-96-B-0005, issued by the United States Property and Fiscal Office-New York, to obtain fire suppression and detection systems for a New York Air National Guard unit. Knightsbridge contends that Castle's bid should have been rejected because the bidder failed to acknowledge the one amendment to the IFB.

We deny the protest.

Bidders were required by the IFB to acknowledge all IFB amendments in block 19 of Standard Form 1442, Solicitation, Offer and Award. In completing block 19, a bidder was to insert in the top row of boxes in the block the number of each amendment and in the lower row of boxes the issuance date of each amendment. The name of the person authorized to sign the bid, that person's signature, and the date the bid was submitted were to be inserted in blocks 20(A), (B), and (C), respectively. These blocks were located directly below block 19. According to the Army, due to a paper jam when printing this form, Castle received a page containing only the right half of the form. As submitted, the page contained only the right half of block 19 and the entire blocks 20(B) and (C). Castle, in completing this portion of the page, did not list the number and issuance date of amendment No. 1; rather, it placed an "X" in the first box above the signature block (block

20(B)) and an "X" in the first box above the offer date block (block 20(C)). Blocks 20B and 20C contained the bidder's signature and bid offer date. The agency concluded that because only one amendment was issued, Castle's insertion of the "X" in the block for acknowledgment of amendments and its bidding official's signature was sufficient to show acknowledgment of the amendment. We agree.

Although bidders were called upon to acknowledge amendments by inserting the amendment number on the top line and its date on the bottom line of block 19, we have recognized that bidders can effectively acknowledge amendments in ways other than that envisioned by the IFB. See, e.g., S&D Mechanical Contractors, B-209535, Apr. 15, 1983, 83-1 CPD ¶ 411; Nuclear Research Corp.; Ridgeway Elecs., Inc., B-200793; B-200793.2, June 2, 1981, 81-1 CPD ¶ 437; B. R. Abbot Constr. Co., B-186263, May 26, 1976, 76-1 CPD ¶ 344. The operative concern simply is whether a bid can reasonably be read as taking exception to any material government requirements, including those imposed by IFB amendments. Nuclear Research Corp.; Ridgeway Elecs., Inc., *supra*.

Here, we think there can be no reasonable doubt concerning Castle's commitment to the IFB as amended. As stated above, the left side of block 19, containing the "Amendment No." and "Date" captions for the two rows of boxes in which this information was to be inserted, was missing from Castle's copy of the IFB. While Castle could have entered the amendment number and date in the rows of boxes making up the right side of block 19, in these circumstances we perceive no reasonable meaning, and the protester has postulated none, for the "X's" that the awardee did insert in the boxes in the acknowledgment of amendments block other than the awardee's acknowledgment of the single amendment that was issued. Accordingly, we see no basis for objecting to the proposed award to Castle.

The protest is denied.

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