



G A O

Accountability * Integrity * Reliability

**Comptroller General
of the United States**

**United States Government Accountability Office
Washington, DC 20548**

Decision

Matter of: RR Donnelley, Inc.

File: B-294395

Date: September 15, 2004

Frederic G. Antoun Jr., Esq., for the protester.

David T. Ralston, Esq., Foley & Lardner, for Banta Catalog Group, a division of Banta Corporation, an intervenor.

Jennifer R. Seifert, Esq., Government Printing Office, for the agency.

Mary G. Curcio, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Awardee's bid including guaranteed maximum weights for each of two packages rather than a single guaranteed maximum weight, as called for by solicitation, was responsive; providing second guaranteed weight did not constitute exception to material solicitation requirement, and awardee's evaluated bid was low when calculated using only the greater of the two guaranteed weights.

DECISION

RR Donnelley, Inc. protests the award of a contract to Banta Corporation under invitation for bids (IFB) No. 303-013, issued by the Government Printing Office (GPO) for bids to print two Internal Revenue Service (IRS) publications. Donnelley complains that Banta's bid should have been rejected as nonresponsive.

We deny the protest.

The IFB requested bids to print, bind and otherwise prepare 3,994,000 copies of IRS pamphlet 1040A-1 (80 pages) and 2,947,000 copies of IRS pamphlet 1040A-2 (90 pages). The IFB provided that price would be evaluated by adding together the extended prices bid for the specified tasks and transportation charges. The IFB required bidders to provide a "Guaranteed maximum weight of package (to 000.1 pound) _____," which the agency used to compute the transportation charges. Donnelley bid \$2,174,543 to perform the work and listed the guaranteed maximum weight of its package as .375 pounds. Using this weight, GPO computed Donnelley's transportation charges as \$976,284.17, resulting in a total evaluated bid

of \$3,150,827.17. Banta bid \$2,235,227.94 to perform the work and included two guaranteed maximum weights in its bid—.3142 pounds for 1040-A1 and .3633 pounds for 1040-A2. GPO used both weights in computing the transportation charges for Banta's pamphlets as \$745,752.85, which resulted in a total evaluated bid price of \$2,980,980.79. The agency made award to Banta as the low bidder.

Donnelley protests that Banta's bid should have been rejected as nonresponsive for including different guaranteed maximum weights for the two pamphlets instead of the single weight called for by the IFB.

The test for responsiveness is whether a bid offers to perform the exact thing called for in an IFB, so that acceptance of the bid will bind a bidder to perform in accordance with all of the terms and conditions of a solicitation without exception. Fire Sec. Sys. Inc., B-259076, Mar. 2, 1995, 95-1 CPD ¶ 124 at 3. Here, the agency requested the guaranteed maximum weight to establish the maximum amount that could be reimbursed to the contractor for transportation costs, which amount was to be added to the bids for evaluation purposes. Banta's inclusion of a second, lesser, weight for the 1040-A1 pamphlets did not reduce or otherwise affect Banta's performance obligations, and therefore did not affect the responsiveness of Banta's bid.

While a bid also must be rejected as nonresponsive if it is ambiguous regarding the actual price the government would be obligated to pay upon acceptance of the bid, Murray Serv. Co. t/a EMD Mech. Specialists, B-274866, Dec. 9, 1996, 96-2 CPD ¶ 220 at 2, that clearly is not the situation here. Banta's properly evaluated bid price--that is, its price based on a single guaranteed weight--can be calculated using the greater of the two weights provided in Banta's bid. GPO has performed this calculation and reports--and Donnelley has not refuted--that Banta's bid remains low when transportation costs are calculated in this way. Thus, Banta's evaluated bid price was clear and its bid, therefore, responsive.

The protest is denied.

Anthony H. Gamboa
General Counsel