



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: SWR, Inc.

Date: B-278415

Date: December 17, 1997

Timothy S. Swindall for the protester.

B.J. Braun, Esq., Department of Transportation, U.S. Coast Guard, for the agency.
Katherine I. Riback, Esq., and Paul Lieberman, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Agency properly rejected unsigned proposal containing only a "typed signature" where no other documentation submitted with the proposal had an original signature and the offeror had not, on or prior to the closing date for receipt of proposals, submitted a corporate resolution authorizing typewritten signatures.

DECISION

SWR, Inc. protests the rejection of its proposal under request for proposals (RFP) No. DTCG23-98-R-TPM01B, issued by the Department of Transportation, U.S. Coast Guard for maintenance, repair and rebuilding of mail processing equipment. The agency rejected SWR's proposal because it was not signed. SWR contends that this omission should have been waived as a minor informality.

We deny the protest.

The agency received two proposals, including SWR's, by the closing date. Although SWR proposed the apparent low price, its proposal was unsigned and contained only the typewritten name of SWR's Vice President, below which was typewritten, "Vice President, SWR, Inc." No documents submitted by SWR with its proposal contained an original signature. After initially considering the possibility of waiving the lack of signature as a minor informality, the agency eventually determined to reject SWR's proposal as unacceptable and made award to Pitney Bowes, the other offeror.

SWR maintains that its proposal contains a typewritten signature and contends that its firm formally adopted, before the closing date, a resolution permitting the execution of documents by typewritten signature. SWR also points out that its proposed price was significantly below the awardee's.

The agency points out that the solicitation provided that the agency intended to make award without discussions, which it did, and that SWR failed to submit to the agency, prior to the closing date, any resolution that SWR had adopted regarding the authorization of typewritten signatures.

An offer which is not signed, and lacks some other material indication of the offeror's intention to be bound, generally must be rejected since the government's acceptance of the offer would not result in a binding contract without resort to confirming the offeror's intention to be bound. Valencia Technical Servs., Inc., B-223288, July 7, 1986, 86-2 CPD ¶ 40 at 1. Where, as here, the solicitation contemplates award on the basis of initial proposals, after the established date for submitting proposals, it would be unfair to other offerors to ask a vendor that had submitted an unsigned proposal whether it intends to be bound by its offer. Id. Although after rejection of its proposal, SWR submitted a copy of an undated corporate resolution authorizing typewritten signatures, "[e]ffected as of 8 January 1997," to be effective, such documentation must be provided on or before the closing date.¹ Stafford Grading and Paving Co., Inc., B-245907, Jan. 14, 1992, 92-1 CPD ¶ 66 at 2. Accordingly, the agency's rejection of SWR's proposal was appropriate.

While SWR points out that there are monetary savings associated with accepting its proposal, the maintenance of confidence in the integrity of the government procurement system outweighs the possible monetary advantage to be gained by considering the unsigned proposal. Valencia Technical Servs., Inc., supra, at 1-2.²

The protest is denied.

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¹Federal Acquisition Regulation (FAR) § 15.607 (June 1997) instructs contracting officers to examine all proposals for minor informalities, and then refers to FAR §§ 14.405 and 14.407. FAR § 14.405(c)(2), entitled "Minor informalities or irregularities in bids," states that the lack of a signature on a bid may be waived as a minor informality if:

[t]he firm submitting a bid has formally adopted or authorized, before the date set for opening of bids, the execution of documents by typewritten, printed, or stamped signature and submits evidence of such authorization and the bid carries such a signature.

²While the protester questions the reasonableness of the awardee's proposed price, it is below the independent government cost estimate.