

Responsiveness

The responsiveness of a bid is determined at the time of bid opening. In order to be found responsive "a bid must comply in all material respects with the invitation for bids." This means that the bidder must be willing to comply with all of the essential requirements of the solicitation. If a bidder takes exception to any of these essential requirements of the solicitation in his bid, the bid will be rejected as non-responsive and award will be made to the next lowest bidder who is both responsive and responsible.

The best way to determine whether or not a bid conforms to the essential requirements of the invitation is by examining any suspected areas of non-responsiveness to determine whether they go to issues of price, quantity, quality, or performance time. If a bidder takes exception to any of these four elements, his bid will most assuredly be rejected as non-responsive. As an example, if a project is to be performed within 300 days, and the bidder submits a bid indicating that he will perform the project in 301 days, he will have deviated from an essential requirement of the solicitation and will be rejected as non-responsive. Similarly, if the bidder fails to bid on all required line items on the bidding schedule, or deviates from the quantitative or qualitative requirements of the solicitation, he will risk rejection without any further opportunity to correct the exception he has taken to the solicitation. One of the harsh results in the area of non-responsiveness is that a non-responsive bid may not be corrected after bid opening to make it responsive. To do so would enable a bidder to have "two bites at the apple" and would attack the integrity of the competitive bidding system. Therefore, if a bid is found to be non-responsive, a correction to make that bid responsive will not be allowed even though it might be to the government's financial interest to allow that correction in order to retain the lowest possible price.