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Marc Roman
Proc II

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-186959

DATE: February 23, 1977

MATTER OF: Atlas Builders, Inc. (Reconsideration)

DIGEST:

Decision denying relief for post-award allegation of mistake in bid is sustained on reconsideration where record shows neither invalid contract nor improper verification.

The Veterans Administration (VA) requests reconsideration of our decision in Atlas Building, Inc., B-186959, August 30, 1976, 76-2 CPD 204. In that decision, we held that the contracting officer's duty to seek verification of a potentially erroneous bid was discharged where, prior to award, confirmation was obtained from the low bidder whose president attended the bid opening and was aware of disparities involving both competing bids and the government estimate. See Federal Procurement Regulation § 1-2.406-1.

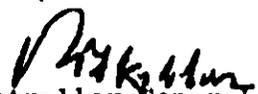
In its request for reconsideration, the VA submits a letter from Atlas in which the company contends that it signed the construction contract, furnished bond, and began the contract work only after VA personnel "persuaded" it to do so, indicating that they were "reasonably sure" that Atlas could be paid the difference between its bid and the next lowest bid. Neither Atlas nor the VA contend that the verification procedure was inadequate.

Award of a contract following verification of a bid results in a binding contract, J. J. Englert, Inc., B-187237, September 23, 1976, 76-2 CPD 277, unless verification is subsequently shown to be inadequate. 44 Comp. Gen. 383 (1965). None of Atlas's contentions relates to the validity of the contract which was created by the VA's acceptance of Atlas's bid following verification on June 15. Under the circumstances, we find no basis for relieving Atlas of

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its legal obligation to perform according to the terms of a valid contract, see Saligman et al. v. U.S., 56 F. Supp. 305, 508 (D.C. E.D. Pa. 1944).

On reconsideration the decision is sustained.


Acting Comptroller General
of the United States