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DECISION



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

FILE: B-190605

DATE: January 31, 1978

MATTER OF: General Elevator Company, Inc.

DIGEST:

Erroneous bid should not have been corrected, since cost proposal for items omitted from bid price was prepared after bid opening and correction would be recalculation of bid to include factors not originally considered.

General Elevator Company, Inc. (General), has protested prior to award the decision by the Government Printing Office (GPO) to permit Free State Builders, Inc. (Free State), to correct a mistake in the low bid submitted under invitation for bids (IFB) No. 14120.

The IFB covered the renovation of elevators in Building 2 of GPO's Central Office. Four bids were received:

Free State	\$248,608
General	421,091
Haughton Elevator Company	465,236
Technical Construction, Inc.	558,276

Since Free State's bid was approximately 59 percent of the next low bid, GPO requested verification of its bid. Free State notified GPO that it had mistakenly failed to include in its bid, either by inadvertence or misinterpretation of the IFB, the following:

- (1) removal of elevator divider beams;
- (2) installation of new call buttons;

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- (3) remodeling of a window to install a louvre;
- (4) barricades for one of the elevators; and
- (5) relocation of beam A'B', to enable rear placement of the new elevator counter-weight.

To support the alleged mistake, Free State submitted copies of its original worksheets and those of its subcontractor and a notarized cost proposal for the the omitted work in the amount of \$16,402 prepared more than a month after the bid opening.

Based on the evidence submitted, the contracting officer determined that an error was made in the Free State bid and that it should be corrected to \$265,010. The GPO Contract Review Board approved the correction.

However, the erroneous Free State bid should not have been corrected. The error arose because no prices were calculated for the parts of the work referred to above prior to the submission of the bid. Free State did not decide on a price for the omitted work until it was provided with an opportunity to present evidence of an error and the intended bid.

The rule which allows bid correction upon the establishment of evidence of mistake and the intended bid does not extend to situations where the bidder discovered the omitted factors after the bid was submitted and opened. As was stated in 37 Comp. Gen. 650, 652 (1958):

"* * * bids may not be changed after they are opened, and the exception permitting a bid to be corrected upon sufficient facts establishing that a bidder actually intended to bid an amount other than that set down on the bid form * * * does not extend to permitting a bidder to recalculate and change his bid to include factors which he did not have in mind when his bid was submitted * * *."

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See also 50 Comp. Gen. 655, 660 (1971) and 52 id. 400, 404 (1973). The GPO determination to allow correction is in violation of the foregoing and therefore is improper.

Accordingly, General's protest is sustained.

Deputy

R. H. ...
Comptroller General
of the United States



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20543

M. H. H. H.
P. I. E.

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The Honorable John J. Boyle
Public Printer
United States Government Printing Office

Dear Mr. Boyle:

Enclosed is a copy of our decision of today in the matter of General Elevator Company.

We have concluded that the erroneous Free State Builders, Inc., bid should not have been corrected.

We would appreciate advice of the action taken as a result of our decision.

Sincerely yours,

Deputy

R. F. K. H.
Comptroller General
of the United States

Enclosure