

7245
DECISION



P. Martin, Pl-2
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-191563

DATE: August 7, 1978

MATTER OF: Value Precision, Inc.

DIGEST:

1. Where mistake in transcription of unit price was apparent but extended bid price was in line with Government estimate and next low bid, extended price may be accepted as correct notwithstanding solicitation provision that unit price is presumed correct in case of discrepancy.
2. GAO will not question an agency determination that a less restrictive solicitation will meet the Government's needs.

Value Precision Inc. (protester) has protested a decision by Command Counsel, U.S. Army Materiel Development and Readiness Command, which permitted an upward correction of a bid by WEGO Precision Machine, Inc. (WEGO), the apparent low bidder.

Invitation for Bids DAAH01-78-B-0228 was issued by the U.S. Army Missile Materiel Readiness Command (MIRCOM), on February 1, 1978, for the acquisition of 516 "Clevis," applicable to the TOW Weapon System. Bids were opened on March 16, 1978. WEGO's unit price bid of \$9.35 was lowest of 17 responsive bids; its extended price bid of \$9,984.60, however, was consistent with a unit price of \$19.35. Protester was second lowest at \$20.00 per unit, with the remaining bids ranging from \$24.50 to \$134.50.

The disparity between WEGO's unit price bid of \$9.35, the Government estimate of \$22.09, and the protester's bid led the contracting officer, under authority granted by Armed Services Procurement Regulation (ASPR) 2-406.1, to request verification from WEGO of its bid. By letter dated March 20, 1978, WEGO's president advised MIRCOM that the unit price figure

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shown was the result of a typographical error and should have read \$19.35, as reflected by the extended bid price. Ultimately the agency accepted WEGO's extended bid price as its intended bid.

Although no party was displaced as low bidder, protester objects to the determination to accept the extended bid price, and insists that the contract be awarded WEGO on the basis of the unit price bid of \$9.35 or not at all.

To permit correction of an apparent clerical mistake in bid prior to award, ASPR 2-406.2 requires that the mistake be obvious on the face of the bid. With regard to a discrepancy between unit and extended prices the solicitation incorporated by reference Standard Form 33A, dated March 1969, which states:

"In case of discrepancy between a unit price and extended price, the unit price will be presumed to be correct, subject, however, to correction to the same extent and in the same manner as any other mistake."

In this connection we have held that the extended bid price should govern if the unit price clearly is in error rather than the extended amount, such as where only the unit price is so grossly out of line with the Government's estimate and the other bid prices for the item. Engle Acoustic and Tile, Inc., B-190467, January 27, 1978, 78-1 CPD 72.

WEGO's unit price clearly was grossly out of line with the Government's estimate and the other bid prices, so that there can be no doubt that the unit price was in error. We find therefore, that the mistake was obvious on the face of the bid and that the contracting officer could ascertain the intended bid by referring to the extended bid price which appears to be correct and in line with the estimate and other bids. The contracting officer did not exceed his authority by allowing correction of the bid, and we deny the protest raised on that ground.

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Protester also objects to the modification in delivery date. Specifically, protester asserts that a solicitation amendment dated February 16, 1978 extended the delivery date from 112 to 330 days after the date of the contract and that the revision was made for the benefit of WECO.

All bidders were notified of this modification one month prior to bid opening and none was denied an opportunity to compete on an equal basis. We, generally, will not question an agency determination that a less restrictive description of the Government's requirements will meet its needs. American Safety Flight Systems, Inc., B-189923, January 12, 1978, 78-1 CPD 30.

Accordingly, the protest must be denied.

R. F. Kellum
Deputy Comptroller General
of the United States