

DECISION



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

FILE: B-199236

DATE: October 16, 1980

MATTER OF: White Plains Electrical Supply Co., Inc.

DLG 05353

DIGEST:

Protest of agency consideration of allegedly improper cost factors is moot where agency admits mistake and contract awardee was low, responsible, responsive bidder regardless of agency error.

White Plains Electrical Supply Co., Inc. (White Plains), has protested the award of a contract under invitation for bids (IFB) No. NA-80-WC-C-00048 issued by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service Central Region, Kansas City, Missouri (NWS), for the procurement of electrical cable.

DLG 65354

The solicitation, issued March 26, 1980, was a 100-percent small business set-aside and called for bids on five types of cable identified by separate specifications (item No. 3 was subsequently deleted).

Item numbers 2 and 4 were erroneously awarded to a large business concern, and upon protest by White Plains, NWS terminated the contract for the convenience of the Government. NWS found White Plains to be next lowest bidder on item No. 2 and Electrical Conductors, Inc. (Electrical Conductors), to be next lowest bidder on item No. 4. However, award of both items 2 and 4 was made to Electrical Conductors since it offered the lowest overall cost to the Government when the added expense of administering two separate contracts was taken into consideration and it offered a shorter delivery schedule.

White Plains subsequently filed a protest with our Office against the award of item No. 2, arguing that since the cost of multiple contract administration

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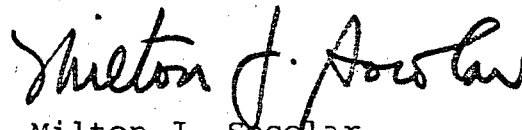
was not mentioned in the solicitation, it could not be considered in making the award.

Upon review of the award, the contract specialist at NWS became aware that he had failed to consider a 1-percent, 20-calendar day, prompt-payment discount offered by Electrical Conductors. A recomputation showed that Electrical Conductors was in fact the low bidder on item No. 2.

Notwithstanding the tortuous procedural history of this solicitation, the award of item No. 2 was ultimately made to the low bidder, Electrical Conductors. NOAA has advised NWS that its original reasons for awarding item No. 2 to Electrical Conductors were erroneous, and that a review of its procurement procedures should be conducted to prevent future problems of this nature.

Thus, since the award was properly made to the low, responsible, responsive bidder, and since corrective action has been recommended by NOAA, we consider the protest moot.

The protest is dismissed.



Milton J. Socolar
General Counsel