

19036

DECISION



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

FILE: B-204009

DATE: August 5, 1981

MATTER OF: Paul Schmidt Construction Company

DIGEST:

Bid may be neither corrected nor withdrawn where evidence of alleged mistake consists merely of recreated original worksheet and revised worksheet with different totals.

This responds to a request by the Department of the Interior for our opinion on whether Paul Schmidt Construction Company should be allowed to correct an alleged mistake in the bid it submitted under invitation for bids (IFB) FWS3-81-IFB-31.

We do not believe that the bid should be corrected.

The IFB sought bids to construct the Louisa overlook and kiosk structures, and to re-side metal storage buildings, at the Mark Twain National Wildlife Refuge in Iowa. Paul Schmidt's bid of \$10,408 was the only bid received. Since the bid was substantially lower than the Government's estimate of \$15,500, the contracting officer asked the firm to verify the bid. In response, Paul Schmidt requested that the bid be increased by \$1,162 to \$11,570 because on reconsidering the project the firm decided that more man-hours would be needed for the overlook and kiosk work than anticipated in computing the bid price.

Where a mistake in bid is alleged before award, the bid may be corrected if the bidder shows by clear and convincing evidence both the existence of the mistake and the bid actually intended. Federal Procurement Regulations (FPR) § 1-2.406-3(a)(2) (1964 ed.). The bid may be withdrawn if the evidence establishes the existence of a mistake but not the intended bid.

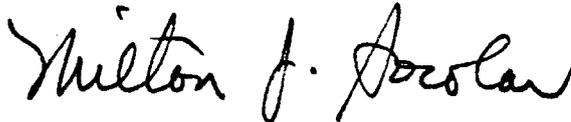
*[Request for Correction of Mistake
in Bid Under IFB]*

~~217794~~ 116011

FPR § 1-2.406-3(a)(1). The rule that allows bid correction does not, however, extend to permitting the bidder to recalculate the bid to include factors which the bidder did not have in mind when the bid was submitted. General Elevator Company, Inc., 57 Comp. Gen. 257 (1978), 78-1 CPD 81. The rule only allows correction where the facts show that the bidder actually intended to bid an amount other than that entered on the bid form. 37 Comp. Gen. 650, 652 (1958); J.W. Creech Inc., B-191117, March 8, 1978, 78-1 CPD 186.

The record clearly shows that Paul Schmidt's request is based only on the firm's recalculation of the effort that it will take to fulfill the contract's requirements, not on the basis that it intended to bid more than it actually did. In this regard, the evidence that Paul Schmidt furnished to support the request consists of a re-created worksheet showing how it arrived at the bid of \$10,408, and a "revised" worksheet showing that it would increase the man-hours for the overlook work from 252 to 340 and for the kiosk work from 105 to 120 to arrive at a "corrected" bid of \$11,570.

In our view, the record does not support a finding that a mistake has been made. Accordingly, Paul Schmidt should not be permitted to correct or withdraw its bid.



Acting Comptroller General
of the United States