

DECISION



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

FILE: B-208978

DATE: September 27, 1982

MATTER OF: Lyon Shipyard, Inc.

DIGEST:

The failure of the low bidder to include a price on a bid schedule for one item does not render the bid nonresponsive if the price for the omitted item can be determined from the total bid submitted.

Lyon Shipyard, Inc. protests the award of a contract to Marine Hydraulics International, Incorporated under invitation for bids No. H62678-82-B-0077 issued by the Department of the Navy. The procurement is for lathe repairs on the USS Spiegel Grove. Lyon contends that Marine's bid was nonresponsive because it omitted a bid price for one of the two items in the bid schedule. We summarily deny the protest.

Due to the unavailability of funds to perform the entire requirement, the Navy divided the performance of the contract into two parts, Lot IA and IB. The solicitation requested bid prices for Lot IA and Lot IB as well as a total price designated as Lot I. The solicitation also provided that award would be made for Lot IA while award of Lot IB would be at the option of the Government. Award of Lot IB was to be by modification to the job order for Lot IA. Marine entered a price for Lot IA and a higher price for Lot I, but did not enter a price for Lot IB. The contracting officer concluded that the omission of a price for Lot IB was an apparent clerical mistake and that the intended bid for Lot IB was readily ascertainable by subtracting the price for Lot IA from the total bid price. Therefore, the contracting officer allowed Marine to correct its bid pursuant to Defense Acquisition Regulation § 2-406.2 (1976 ed.).

A bid generally is regarded as nonresponsive when it does not include a price on every item as required by the IFB. Such a bid may not be corrected. International Signal and Control Corporation; Honeywell, Inc., B-192960, December 14, 1978, 78-2 CPD 416.

This rule is applicable to option items, such as those in this case, which are to be evaluated at the time of award. Ainslie Corporation, B-190878, May 4, 1978, 78-1 CPD 340. The rationale for this rule is, in part, that when a bidder fails to submit a price for an item, it generally cannot be required to perform the service covered by that item as part of other services for which prices were submitted. 52 Comp. Gen. 604 (1973). Moreover, to allow bidders to correct a price omission after an allegation of a mistake in bid would, in effect, give the bidder an impermissible option to explain after opening whether its intent was to perform or not perform the work.

We have recognized, however, a limited exception to this rule. Even though a bidder fails to submit a price for an item in a bid, that omission may be corrected if the bid, as submitted, indicates not only the possibility of error but also the exact nature of the error and the amount involved. Con-Chen Enterprises, B-187795, October 12, 1977, 77-2 CPD 234. This exception is based on the premise that where the bid itself establishes both the existence of the error and the bid actually intended, to hold that bid non-responsive would be to convert an obvious clerical error of omission to a matter of responsiveness. 52 Comp. Gen. 604, supra.

We agree with the Navy that Marine's bid contains sufficient evidence to invoke the exception to the general rule. Since Lot IB was not to be awarded separately but, if awarded, was to be added to the Lot IA work, there can be no concern here that Marine was interested in Lot IA or both Lot IA and Lot IB but not just Lot IB. Therefore, since Marine submitted a price for Lot IA and a higher aggregate price for the entire Lot I, it seems clear that Marine mistakenly omitted a price for Lot IB and that the intended price for Lot IB was the difference between the aggregate bid price and the price for Lot IA. Therefore, the bid was not nonresponsive and correction was permissible. See Carter Construction, Inc., B-187889, April 4, 1977, 77-1 CPD 231.

The protest is summarily denied.

Wayne R. Linn
for Comptroller General
of the United States