

DECISION

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

20440
27450

FILE: B-213916**DATE:** February 15, 1984**MATTER OF:** M.G.M. Construction Co.**DIGEST:**

GAO will not consider a postaward mistake in bid claim submitted by a bidder on a solicitation issued pursuant to a federal grant.

M.G.M. Construction Co. (MGM) requests an upward price adjustment in its contract with the Central Marin Sanitation Agency (CMSA). The contract was awarded under a solicitation which CMSA issued pursuant to Environmental Protection Agency (EPA) grant No. C-06-2467-130-05/03.

The request for correction will not be considered.

Shortly after bid opening on March 24, 1983, MGM learned that in its bid price for schedule "A," it inserted \$2,400,000 in longhand and \$2,450,000 in figures. MGM bid \$33,000 for schedule "B." MGM brought this discrepancy to the attention of CMSA and alleged that its intended total bid was \$2,483,000, not \$2,433,000. On April 1, 1983, CMSA notified MGM that no award would be made for schedule "B" and an award for schedule "A" could be made to MGM only for \$2,400,000. CMSA based this decision on a solicitation provision which stated that where there was a discrepancy between the written and numerical bid amount, the written amount would control. On May 18, 1983, MGM chose to accept a contract award. MGM complained to EPA on September 1, 1983, and was notified by letter dated November 22, 1983, that EPA did not have jurisdiction to consider the matter. We received MGM's request to have the mistake corrected on December 9, 1983.

In accordance with our notice, Review of Complaints Concerning Contracts under Federal Grants, 40 Fed. Reg. 42, 406, September 12, 1975, our Office will consider requests to correct bids which are submitted by bidders on solicitations issued pursuant to a federal grant. See Contra Costa Electric, Inc.--Reconsideration; Carl W. Olson and Sons Co., B-192752, August 6, 1979, 79-2 CPD 79. However, we do so only if the request for correction is submitted to this

007911

Office before a contract award is made. See Id.; Cf. Federal Procurement Regulations (FPR) § 1-2.406(e),(f) (1964 ed. amend. 204) (in direct federal procurement contracting officer's determination to reject postaward mistake in bid claim is reviewable under the contract disputes clause). Here, because the invitation for bids was issued by a grantee, the contract is not subject to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (Supp. IV, 1980). However, since MGM chose to accept a contract award before it submitted its mistake claim, that claim will not be decided by GAO.

Finally, MGM's reliance on Ideker, Inc., B-194293, May 25, 1979, 79-1 CPD 379, and RAJ Construction, Inc., B-191708, March 1, 1979, 79-1 CPD 140, to support the position that we will consider postaward claims is misplaced. In those cases, we considered postaward protests against agency decisions to permit a bidder to correct a bid mistake. Thus, those cases are not applicable to the present case where MGM has submitted a postaward claim to have its mistake corrected.

The request for correction is dismissed.

for 
Harry R. Van Cleve
Acting General Counsel