



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Gartrell Construction, Inc., U.S. Floors, Inc.--  
Request for Reconsideration

**File:** B-237032.3

**Date:** March 23, 1990

Phil B. Hammond, Esq., Hammond & Tellier, for the protester. James Vickers, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

## DIGEST

Prior decision is modified to include correct bid prices and to retract conclusion that awardee was only entitled to award for one particular quantity.

## DECISION

U.S. Floors, Inc., requests reconsideration of our decision Gartrell Constr., Inc.; U.S. Floors, Inc., B-237032; B-237032.2, Jan. 11, 1990, 90-1 CPD ¶     , denying the protest of Gartrell against the Army's interpretation of the "Additive or Deductive Items" clause contained in invitation for bids (IFB) No. DACA83-89-B-0268, issued by the United States Army Engineer District, Honolulu, Hawaii and concluding that U.S. Floors was the low bidder for repairs to 200 housing units under the IFB.

U.S. Floors contends that contrary to the conclusion in our decision, its bid is also low on another combination of deductive items and therefore it is also entitled to the award for 420 units if the funding is available. We agree and modify our decision.

The IFB was for interior repairs for up to 640 military family housing units at Scholfield Barracks in Hawaii. The base bid item was for the total quantity of 640 units. Two deductive items were also to be priced by the bidders, each reducing the quantity by 220 units. Therefore, award could be made, based on the funds available, for either the entire 640 units, 420 units or 200 units. The latter quantity

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would result if award were made for the base bid item and both deductive items (640 minus 220 minus 220 equals 200).

No funds were available either at the time of bid opening or when our decision was issued. Eventually the contracting officer determined that the low bidder should be the firm which bid the lowest price for the least amount of work under the solicitation's "Additive or Deductive Items" clause. While Gartrell submitted the low base bid for 640 units of \$1,538,000 as compared to U.S. Floors' base bid of \$1,585,000, U.S. Floors was low after application of the two deductive items with a bid of \$530,000 for 200 units. Gartrell's bid for 200 units was \$769,000.

We found U.S. Floors entitled to the award when funds become available but with the following limitation:

"While we concluded that U.S. Floors is indeed the low bidder under the second deductive item, even if funds become available for either 420 or 640 units U.S. Floors may not be awarded those items since it is not the low bidder on any other combination under the IFB."

During our consideration of the original protest, we used bid figures from U.S. Floors's original bid. The agency has now furnished our Office with bid amendments, which were not in the original protest record, submitted by U.S. Floors prior to bid opening. We have now reviewed the amended bid and find that U.S. Floors is the low bidder for any combination of the deductive items. It remains not low for the base bid of 640 units.

Accordingly, our prior decision is modified.



Acting Comptroller General  
of the United States