

0155 Vickers



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Mechanical Service & Systems, Inc.

File: B-241567

Date: October 26, 1990

J. Thomas Bowen, Esq., for the protester.
James Vickers, Esq., and John Brosnan, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Bid was properly rejected where its total price was low but
the sum of all the priced line items was not low. A bid must
be rejected where it is susceptible of being interpreted as
offering either of two prices and only one price is low.

DECISION

Mechanical Service & Systems, Inc. (MSS) protests the
rejection of its bid submitted in response to invitation for
bids (IFB) No. DAAC89-90-B-0158, issued by the Army for
furnishing and installing a replacement heating system in
Building 1005 at Toole Army Depot, Utah. MSS contends that
the Army improperly rejected its bid.

We dismiss the protest without obtaining an agency report from
the Army since it is clear that the protest does not state a
valid basis of protest. See Bid Protest Regulations,
4 C.F.R. § 21.3(m) (1990).

The bid schedule in the IFB contained 12 line items which
included such work as removing existing piping and asbestos
insulation, installing the replacement system and furnishing
spare drive belts, a pressure meter and a flow hood. Beside
each of the line items were blanks for the insertion of unit
and extended prices. At the bottom of the bid schedule there
was a blank for the total bid price to be inserted.

MSS' bid listed a total price of \$251,769. However, when the
line items were totaled, the amount was \$254,179, a difference
of \$2,410, which was the total amount MSS had inserted for
line items 0001AG, 0001AH and 0001AJ. These three line items
represented the spare drive belts, pressure meter and flow
hood, respectively.

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On August 30, 1990, the contracting officer pointed out the difference in the two prices and requested MSS to verify its bid. MSS replied that its intended bid price was \$251,769 and that it had inserted a price next to the above listed line items for clarification and identification purposes only and did not intend to include those prices in its total bid price.

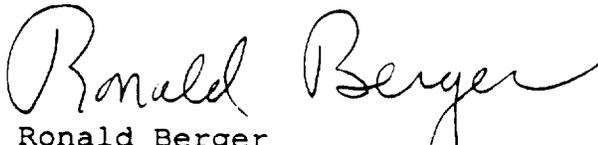
On September 18, the contracting officer rejected MSS' bid because it could be interpreted as offering either of two prices, only one of which would be the low bid submitted. Under these circumstances the agency pointed out that MSS' bid was not subject to correction because it would displace the \$252,272 bid submitted by O&M Plumbing and Heating Company.

MSS contends that its bid should be accepted because it verified that its bid price was in fact \$251,769 and did not request that it be corrected.

Where a bid is reasonably susceptible of being interpreted as offering either one of two prices shown on its face and only one of the prices is low, that bid must be rejected notwithstanding whether the bidder has claimed a mistake. Grove Roofing, Inc., B-233747, Feb. 23, 1989, 89-1 CPD ¶ 196.

Here, the bid itself shows two prices, one of which is obtained by adding the line item bids and the other contained in the space provided for the total price. Only the price inserted as the total is low. While MSS states it only inserted the three line item prices for clarification, we do not see the bid schedule as asking for prices which are not to be included in the total bid. Since it is impossible to ascertain which of the two bid prices MSS intended from the bid itself (without explanation from the bidder) and the sum of all the line items, \$254,179, is not the low bid, the contracting officer properly rejected it. See Virginia Beach Air Conditioning Corp., B-237172, Jan. 19, 1990, 90-1 CPD ¶ 78.

The protest is dismissed.


Ronald Berger
Associate General Counsel