



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Harrop Construction Company, Inc.

File: B-255323

Date: February 24, 1994

Terry L. Salazar, Esq., Winstead Sechrest & Minick, for the protester.

Thomas W. Myers, Esq., and J. Thomas Vaughn, Esq., Andrews Myers & Donaldson, for Comex Corporation, an interested party.

Colonel Riggs L. Wilks, Jr., and Captain Elizabeth DiVecchio Berrigan, Department of the Army, for the agency.

David Hasfurther, Esq., Linda C. Glass, Esq., and Michael R. Golden, Esq., General Accounting Office, GAO, participated in the preparation of the decision.

DIGEST

Bidder's failure to follow the bid schedule pricing format for one line item does not render the bid nonresponsive and award to the bidder was proper where the intended bid price is clear from the face of the bid and it is also clear that it covers all required work.

DECISION

Harrop Construction Company, Inc. protests the award of a contract to Comex Corporation under invitation for bids (IFB) No. DAHA41-93-B-0005, issued by the United States Property and Fiscal Officer for Texas (the National Guard Bureau), for the alteration and repair of a hangar at Ellington Field, Houston, Texas. Harrop contends that Comex was improperly permitted to correct its bid price, thereby displacing Harrop as the low bidder, since Comex's intended bid price cannot be ascertained from its bid. It further argues that in view of Comex's failure to submit a price for one line item of the IFB's base item, Comex's bid should have been rejected as nonresponsive.

We deny the protest.

The IFB, issued on July 30, 1993, required bidders to submit prices for four line item Nos. (0001 to 0004) which made up the base item and a single price for the additive item (line item No. 0007). The total of these five line items constituted the bidder's total bid price. Bidders were also to submit the prices of the materials and services involved

in performing both the base and the additive items in line item Nos. 0005, 0006, 0008, and 0009. Seven bids were opened at bid opening on August 31. Harrop submitted a total bid price of \$1,394,000. Comex's bid contained a total bid price of \$1,370,000.

Comex's prices were set out on the schedule in the following manner:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
0001	Exterior Architectural	1	\$ 344,000
0002	Interior Architectural	1	410,300
0003	Mechanical/Electrical	1	405,700
0004	All remaining non-unit priced work necessary to complete the project (lump sum) list below. If none, please state none. TOTAL BASE PRICE	1	1,160,000
0005	Materials - Items 0001--0004	1	600,000
0006	Services - Items 0001--0004	1	570,000
0007	Additive bid item #1 - Enclose existing catwalk to conform to fire/life safety codes	1	210,000
0008	Materials for additive bid item #1	1	90,000
0009	Services for additive bid item #1	1	120,000
0010	Grand Total - Base bid plus additive	1	1,370,000

On the bid cover sheet, Standard Form (SF) 1442 block 17, which states that the bidder "agrees to perform the work required at the prices specified below in strict accordance with the terms of the solicitation," Comex had inserted \$1,160,000.

By letter of September 2, Comex advised the contracting officer that while it had inserted a bid price of \$1,160,000 in the space provided for line item No. 0004, all remaining non-unit priced work, this price, as it had expressly noted on the schedule, constituted the "total base price" consisting of line item Nos. 0001 to 0003.

In a letter dated September 7, in which Comex was requested to provide information concerning the question of its responsibility, the contracting officer noted Comex's September 2 letter and advised Comex that its total bid price was \$389,165 less than the government's estimate, and requested Comex to verify its prices after reviewing its bid. He also noted that line item No. 0004 covered any work in addition to that required by line item Nos. 0001 to 0003 and that "if there is no additional work [that Comex would consider to fall under this line item], that needs to be stated." By letter of September 8, Comex verified its bid

prices and stated that it had "misinterpreted line item No. 0004 and entered the total base bid amount (\$1,160,000) as opposed to zero." The contracting officer treated this as a correctable error, and award was subsequently made to Comex on its total bid price of \$1,370,000.

Harrop argues that Comex's bid is nonresponsive and must be rejected because it did not contain a price for line item No. 0004 and, therefore, Comex did not bind itself to do any of the work that might be required, beyond line item Nos. 0001 to 0003, to perform the base item. It also believes that since Comex's bid does not show Comex's intended price for line item No. 0004, and therefore Comex's intended total bid price, Comex's bid should be rejected since it cannot be established that Comex's bid price would have been low. In support of its position, the protester points out that Comex's break-out of its costs for materials and services for the base item show a total of \$1,170,000 (\$600,000 and \$570,000), not \$1,160,000. Thus, Comex's bid was at least \$1,380,000, not the \$1,370,000 as Comex asserts. The protester further argues that since two bidders submitted prices of \$100,000 and \$172,032, respectively, for line item No. 0004, it is possible that Comex's intended total price could have been higher than Harrop's. Thus, the protester maintains that Comex may or may not have been the low bidder depending upon what it intended to bid under line item No. 0004, and its bid should be rejected as nonresponsive.

The solicitation provided that the low bidder would be determined based on the lowest aggregate amount for the base bid item plus, as is relevant here, any additive, subject to funding availability. The first three line items are for exterior architectural, interior architectural, and mechanical, electrical, respectively. Line item No. 0004 is for all remaining non-unit priced work necessary to complete the project.

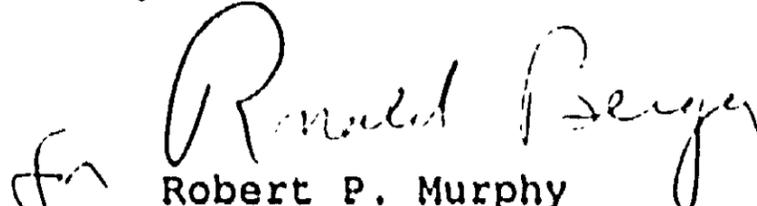
Comex inserted \$1,160,000 in the space provided for pricing line item No. 0004. However, this price clearly was not intended to be the price for this line item. The price inserted is the total of the first three line items, and Comex explicitly wrote below the description block for that line item the words "total base price." This amount also was inserted in block 17 of the SF 1443, where the bidder agrees to perform the work at the price inserted in the block. Moreover, \$1,160,000 is significantly out of line with other bidders' prices for line item 0004, and the sum of \$1,160,000 and the additive item (\$210,000) is \$1,370,000, which was stated as the grand total (base bid plus additive) under line item No. 0010. We think the contracting officer reasonably concluded that \$1,160,000 was not the intended price for line item No. 0004 but was indeed

Comex's intended base price. See Blueridge General, Inc.,
71 Comp. Gen. 271 (1992), 92-1 CPD ¶ 218.

Since it is clear from Comex's bid that the \$1,160,000 represented Comex's price for all base items, Comex's intended bid for line item No. 0004 must be "0".¹ We note in this regard that four of the six bidders in fact bid in this manner, inserting "0" for the line item No. 0004 pricing.

That being so, Comex's bid was responsive, notwithstanding Comex's failure to specifically include a price for line item No. 0004. As a general rule, a bid must be rejected as nonresponsive if the bid, as submitted, does not include a price for every item requested by the IFB. Telex Comms., Inc.; Mil-Tech Sys., Inc., B-212385; B-212385.2, Jan. 30, 1984, 84-1 CPD ¶ 127. The reason for this rule is that where a bidder fails to submit a price for an item, the bidder generally is not obligated to provide that item as part of the other requirements for which prices were offered. Id. An exception to this occurs where a bidder does not specify a price for a line item, but indicates in some affirmative fashion on the bid that it is aware of and commits to providing the supplies and services covered by that line item with no addition to the total price bid. AUL Instruments, Inc., B-220228, Sept. 27, 1985, 85-2 CPD ¶ 351. We think Comex's bid, committing that company to a base bid price of \$1,160,000, includes that affirmative indication.

The protest is denied.


for Robert P. Murphy
Acting General Counsel

¹Harrop points out that Comex's prices for line item Nos. 0005 and 0006, requesting prices for materials and services for item Nos. 0001 through 0004, when added together, total \$1,170,000, not the \$1,160,000 listed by Comex in its "total base price. Harrop argues that this suggests that Comex, at a minimum, intended to bid \$10,000 for line item No. 0004. Accepting Harrop's view, Comex's bid remains low and responsive.