



Comptroller General
of the United States

Washington, D.C. 20548

B-230731

June 10, 1988

The Honorable John O. Marsh
The Secretary of the Army


Dear Mr. Secretary:

Enclosed is a copy of our decision of today sustaining the protest of Kirila Contractors, Inc. which contested the rejection of its low bid as nonresponsive and the award to Devore Construction, Inc. under invitation for bids No. DACA31-88-B-0001, issued by the Corps of Engineers for construction of the Army Reserve Keystone Training Area, Geneva, Pennsylvania. Kirila's bid was rejected as nonresponsive because its bid bond contained an erroneous solicitation number. We sustain the protest because we find that the erroneous reference was a technical defect which did not affect the enforceability of the bond.

Under the circumstances, we recommend that the Corps terminate the contract awarded to Devore Construction, Inc. and make award to Kirila, if otherwise appropriate. We also find that Kirila is entitled to recover the costs of filing and pursuing the protest.

Since our decision contains a recommendation for corrective action, we direct your attention to the Competition in Contracting Act of 1984, 31 U.S.C. § 3554(e)(1) (Supp. III 1985), which requires the head of the procuring activity responsible for the solicitation to report to our Office if the agency has not fully implemented our recommendation within 60 days of receipt of our decision. In any event, please advise our Office of the action taken on this recommendation.

Sincerely yours,

for 
Comptroller General
of the United States

Enclosure