

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

20736 97241

FILE: B-183717

DATE: June 2, 1975

MATTER OF: King Brothers, Inc.

**DIGEST:**

Correction of mistake in bid alleged after award is not permitted where prior to award contracting officer was not on actual notice of alleged mistake and bid is only about 9 percent less than next low bid and there is close proximity in range of all bids.

King Brothers, Inc. (King), requests that it be permitted to increase by \$1,012.96 the price it bid under United States Government Printing Office purchase order No. 36076 due to an alleged error made in computing the price bid. It is alleged that, in computing the 20-percent markup for handling costs on all outside purchases, the King estimator, instead of multiplying the total pounds of paper required by the cost per hundredweight and then adding the 20-percent factor, multiplied the cost per hundredweight by 20 percent, misplaced the decimal point, and arrived at a total of \$419 instead of the correct \$1,431.96 total, a difference of \$1,012.96.

The purchase order has been completed. King is awaiting our decision on the request for an increase in price before submitting its billing papers.

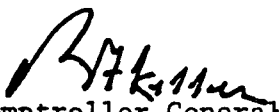
While it may be that King made an error in computing its bid price, correction is possible only if the contracting officer had either actual or constructive notice of the possibility of a mistake. Absent evidence of notice, the acceptance of the King bid must of necessity be viewed as creating a valid and binding contract. B-175524, April 14, 1972; 49 Comp. Gen. 272 (1969).

There has been no allegation that the contracting officer was advised of the alleged error prior to award. Consequently, it becomes necessary to determine whether the contracting officer was on constructive notice of the alleged error due to any disparities between the King bid and those submitted by the other bidders. The following bids were received by the contracting activity in response to the invitation for bids:

B-183717

King Brothers, Inc.	\$1,984.50
IPD Printing	2,185.00
Braceland Brothers	2,233.00
McGregor and Werner	2,300.00
Beaver Press	2,541.00
Zabel Brothers	2,736.00
Smith Edwards Dunlop	2,782.00
Shepherd Printing	2,987.00
Rose Printing	3,185.00

In view of the fact that the King bid is only approximately 9 percent less than the next low bid and in view of the close proximity in range of all the bids, we conclude that the contracting officer was not on constructive notice of the alleged mistake. Accordingly, there is no legal basis for correction of the alleged mistake.

  
Deputy Comptroller General  
of the United States