

7277  
DECISION



*J. W. Vickers PL-1*  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-189704

DATE: August 7, 1978

MATTER OF: Durocher Dock & Dredge, Inc. -  
Reconsideration

DIGEST:

Prior decision denying protest that Government's estimate of cost of performing work with Government dredge was unreasonable is affirmed upon reconsideration as additional information submitted by procuring activity in response to protester's argument re computation of estimate affirms prior finding of reasonable basis for estimate.

Durocher Dock & Dredge, Inc. (Durocher), has requested reconsideration of our decision in Durocher Dock & Dredge, Inc., B-189704, March 29, 1978, 78-1 CPD 241, denying Durocher's protest against the rejection of its bid under invitation for bids (IFB) No. DACW35-78-B-0019 issued by the Department of the Army, Corps of Engineers, Detroit District.

The IFB was for maintenance dredging at Little Lake Harbor, Michigan. As the Corps determined that the St. Paul District's crane barge Markus would be available, a Government's hired labor estimate was prepared to compare with the bids received as required by 33 U.S.C. § 624 (1970), which states that if the bids received exceed the Government estimate by more than 25 percent, the work shall be performed by the Government.


Durocher submitted the low bid of \$08,900 and the Government's hired labor estimate was \$44,311.30. As Durocher's bid was more than 25 percent greater than the hired labor estimate, all bids were rejected as the work was to be performed by the St. Paul District. Following a protest by Durocher to the contracting officer, the Corps revised the hired labor estimate because of the omission of certain costs which raised the estimate to \$64,146.94, but Durocher's bid still exceeded this figure by 38.6 percent and, therefore, was unacceptable under 33 U.S.C. § 624. Durocher then protested the reasonableness of the estimate to our Office and in our decision of March 29, 1978, we found the estimate to be reasonable and denied the protest.

Durocher's basis for its request for reconsideration is that our prior decision did not fully analyze the Government's estimate in light of certain arguments made by the protester on the agency's report furnished our Office in response to the protest. Subsequent to the filing of the request for reconsideration, we obtained additional comments from the Corps concerning the arguments of Durocher regarding various portions of the Government's estimate. Although the protester was furnished a copy of the Corps' analysis, it did not choose to comment.

Initially, Durocher argues that the "bid" of the St. Paul District was nonresponsive because it was based on receiving a notice to proceed dated no later than June 10, 1977, and standard form 21 required all bidders to keep their bids open for 60 days following bid opening, held on June 9, 1977. Since the Government hired labor estimate is not a "bid," as such, but merely a guideline to compare with the other prices received, this contention has no merit.

The other points raised by Durocher all relate to the manner in which the Corps computed its estimate. The Corps' response to the request for reconsideration contains detailed, point-by-point answers to questions raised by the protester concerning the validity of its estimate. We have carefully reviewed the additional submission by the Corps and find the Corps' estimate to have been arrived at in a reasonable manner. See OKC Dredging Inc., B-189507, January 18, 1978, 78-1 CPD 44.

Accordingly, our decision of March 29, 1978, is affirmed.

  
Deputy Comptroller General  
of the United States