

DECISION

922
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

10,093

FILE: B-194193

DATE: May 7, 1979

MATTER OF: R.H. Whelan Company

DLG 01531

DIGEST:

Since each bidder decides whether it wishes to extend its bid, [claim for expenses incurred incident to extending bid acceptance] period is denied.

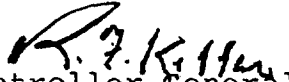
R.H. Whelan Co. (Whelan) claims \$72,351.11 plus 12 percent interest because of supplies it purchased in anticipation of receiving an award under IFB FWS-4-78-106 issued by the Fish and Wildlife Service, Department of the Interior.

Whelan was the second low bidder under this solicitation at \$95,986. Prior to awarding the contract to the low bidder at \$54,344, the contracting officer contacted the bidder and requested that the bid price be confirmed. The low bidder confirmed its price and received the award on September 29, 1978. Subsequently, the bidder contacted the agency and contended that it had erroneously computed the price and requested relief. The agency then contacted Whelan and twice requested extensions of Whelan's bid acceptance period while the low bidder's request was being considered by the agency and our Office. That request has been denied by our Office in Department of the Interior, B-194380, April 17, 1979, 79-1 CPD ____.

Whelan does not contend that agency personnel indicated that it would receive the award if the bid was extended but maintains that the agency, by requesting an extension, implied that Whelan would receive the award. Further, Whelan indicates that it informed the agency that the extensions required that firm to purchase supplies in order to maintain its bid price.

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We have held that the contracting officer has the right to permit a bidder to extend its bid acceptance period as long as the integrity of the competitive procurement system is not compromised. United Electric Motor Company, Inc., B-191996, September 18, 1978, 78-2 CPD 206. The Government has no right, however, to a bid extension. It is for the bidder to decide whether it wishes to maintain its bid in being. ACCESS Corporation, B-189661, February 3, 1978, 78-1 CPD 100. Furthermore, a request for an extension does not imply that the bid will be accepted. Therefore, we see no merit in Whelan's claim that the Government reimburse it for expenses necessitated by that firm's decision to extend its bid.


Deputy Comptroller General
of the United States