

Classified  
Proc 118401

**DECISION**



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

**FILE: B-205080.2**

**DATE: May 18, 1982**

**MATTER OF: The R.H. Pines Corporation--Reconsideration**

**DIGEST:**

Prior decision holding that bid was not ambiguous is affirmed. Even though bid stated that amount of duty to be deducted from prices was "approximate," since amount of duty was carried out to four decimal places (to the ten-thousandth part of a dollar), bid was sufficiently definite and susceptible to evaluation. The remainder of the request for reconsideration is merely a restatement of arguments made in original protest and not evidence of any factual or legal errors in the prior decision.

The R.H. Pines Corporation (Pines) requests reconsideration of our decision in The R.H. Pines Corporation, B-205080, April 16, 1982, 82-1 CPD \_\_\_\_\_, in which we denied its protest. Pines had protested that the bid submitted by Glazer Steel Corporation (Glazer) in response to solicitation No. DLA500-81-B-2679, issued by the Defense Industrial Supply Center (DISC), was ambiguous regarding the price of certain items of hot rolled, carbon steel plate.

In the prior decision, we recognized that Glazer had incorrectly completed the bid form. Glazer had listed duty-exempt countries as the sources for its steel products in response to clause K-10 of the solicitation. Clause L-61 of the solicitation directed bidders not to include any amount for import duty in their prices where duty-exempt countries were listed as sources for steel products offered. In addition, clause K-38 of the solicitation stated that bid prices did not include duty if duty-exempt countries were listed as sources for steel products, and Glazer took no exception to this clause in its bid. In spite of

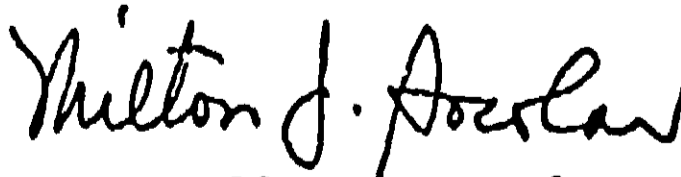
these directions/statements that bid prices were not to include duty, Glazer filled in the blank space in clause K-6 to show that its prices included approximately \$0.0131 import duty per pound.

We held that, since the only affirmative statement concerning import duty made by Glazer in the bid was the statement in clause K-6 to the effect that duty was included, the only reasonable interpretation of Glazer's bid was that Glazer included duty in its prices. We also held that, even though Glazer had prefaced the amount stated for import duty with the word "approximate," the bid prices were not ambiguous since the price for duty had been carried out to four decimal places, and even with rounding, prices were sufficiently definite for evaluation purposes.

Pines argues that our decision was inconsistent with prior decisions of our Office holding that bids of approximate prices are not acceptable for award because they are not definite and certain so as to permit determination of the price to be paid. Pines cites our decisions in B-164490, July 25, 1968, and 37 Comp. Gen. 780 (1958) as support for its position. When we considered Pines' protest, we were fully aware of the cases relied upon by Pines. However, even though Glazer's bid stated that the amount of duty was approximate, the price quoted for duty was carried out to four decimal places. In our view, a price which is carried out four decimal places--to the ten-thousandth part of a dollar--is anything but approximate.

The remainder of Pines' request for reconsideration is merely a restatement of arguments made in the original protest and not evidence of any factual or legal errors in our decision which warrant reconsideration as required by section 21.9(a) of our Bid Protest Procedures. 4 C.F.R. part 21 (1981); Association of Soil and Foundation Engineers--Reconsideration, B-200999.2, May 11, 1981, 81-1 CPD 367.

The prior decision is affirmed.

  
for Comptroller General  
of the United States