

13162

*Transportation
Lieberman*



DECISION

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

FILE: B-196184

DATE: March 18, 1980

MATTER OF: Consolidated Maintenance Company

DLG-03516

AGC-00022

DIGEST:

AGC-00953

Agency not required to expend large sums to provide bidders with precise details for janitorial services requirements where information specified in solicitation and opportunity for site visit provide reasonable basis for computing bids.

[~~Consolidated Maintenance Company (Consolidated) protests the failure of the Department of Health, Education and Welfare (HEW) to provide detailed information concerning specifications contained in invitation for bids (IFB) No. 222-79-2036(P). Consolidated contends that absent the detailed information which it requested, the IFB specifications were defective because it was not possible for bidders to compute unit prices as required or for the agency to determine that the bids were "properly balanced, i.e. [that] the unit prices * * * equal the total * * * price."~~ *Against Agency*]

The IFB, for the performance of janitorial services at the National Center for Toxicological Research (NCTR), was issued on August 3, 1979, and bids were due on September 5, 1979. Table II of the solicitation contained a list of facilities to be serviced, along with a breakdown by square footage of types of floor covering, and number of restrooms. Unit prices were also required for the various cleaning services to be provided with the following proviso:

"The * * * Unit Prices are for future purposes only, to be used in computing any additional work, deletion of work, or for equitable adjustments as referred to in Article VI of the schedule."

009048 111834

The IFB requested bids for all services required on a monthly lump sum basis for an initial 11-month base period plus two 12-month option periods. Under the terms of the invitation, only the lump sum base period prices were considered in the evaluation for award, i.e., neither the option prices nor the unit prices were considered in evaluation.

In response to an indication that some bidders were finding it difficult to compute the required unit prices, because frequency of duties was not indicated in the schedule, the agency issued Amendment 2. This amendment revised the table to include all services to be performed (such as restroom cleaning, dusting, sweeping, etc.), frequency of each service (daily, weekly, etc.), and option period unit prices, and extended until September 26, 1979, the date for receipt of bids.

Consolidated, by letter dated September 10, 1979, requested more detailed information including:

- "1. Square footage of walls and partitions.
2. Square footage of areas requiring dusting.
3. Total number of waste baskets by size.
4. Square footage of entrance ways.
5. Square footage of what your agency considers 'main corridors.'
6. Total number of tables and chairs in the east and west cafeteria to include table size and composition of chairs.
7. Total square footage of stairways.
8. Total cubic yards of trash collection daily.
9. Total number of venetian blinds by size and composition.

10. Total number of drinking fountains.
11. Total number of light fixtures by size, number of tubes, etc.
12. Total square footage of high cleaning.
13. Total square footage of windows.
14. Total sand type containers.
15. Total walk off mats by size.
16. Total number of metal cleaning requirements by size of each item."

This information was purportedly requested in order to permit the protester to properly execute the unit price requirement. Consolidated also requested additional information concerning the restrooms, which apparently vary in size, and went on to suggest an alternative breakdown by number of fixtures rather than number of restrooms. Consolidated further suggested a deduction schedule to replace the unit pricing.

HEW replied, by letter dated September 17, 1979, advising Consolidated that the detailed information it requested was unavailable, and that it believed the information already provided was sufficient. HEW also referred Consolidated to the "Site Investigation" provision in the IFB.

The agency contends that the requested measurements were not available, and argues that the site visit method it employed to inform bidders of the conditions they would encounter in contract performance is sanctioned by our decisions Cosmos Engineers, Inc., B-187457, March 31, 1977, 77-1 CPD 222, and Palmer and Sicard, Inc., B-192994, June 22, 1979, 79-1 CPD 449. These decisions approve of an agency's adoption of "reasonable alternatives" where it is not feasible for it to state its needs precisely. Consolidated argues that these decisions are distinguishable because the IFB at issue requires

repetitive services while the decisions cited pertain to one time renovation or construction projects.

We do not find this distinction persuasive, and we believe that the agency position is correct. In Cosmos, supra, the protester objected that the specifications did not show the extent to which certain bolts needed to be replaced and tightened under the protested solicitation. We reasoned that the agency could not have determined precisely how many and which bolts needed to be tightened and replaced without making its own time-consuming, costly, physical inspection. In our opinion the agency adopted a reasonable alternative by providing bidders with reports furnished to the agency by its prior contractors. Although the agency would not vouch for the accuracy of those reports, the opportunity for on-site inspection gave each bidder the opportunity to judge for itself whether to rely on them.

A similar rationale obtains with respect to the kind of detailed measurements and information which Consolidated felt was required. Moreover, the layout diagrams provided by NCTR in Attachment C of the IFB provide much of the additional information requested by the protester. In this respect, the agency points out that 16 other bidders did submit responsive bids containing the unit price information.

Recently, in Telephonics Corporation, B-194110, January 9, 1980, 80-1 CPD 25, a protest pertaining to a solicitation for installation of a telephone system, we affirmed the principle that where it is not possible for an agency to draft exact specifications, it need not spend great sums of money in order to eliminate the need for site visits by prospective bidders.

We believe that in the present case, the specifications in conjunction with the layout diagrams and the opportunity for an on-site inspection afforded prospective bidders with an adequate basis

on which to compete intelligently. While it is clear that there is an element of risk involved in these situations, we have recognized that some risk is inherent in most types of contracts, and bidders are expected to allow for that risk in computing their bids. Thus the presence of such risk does not render a solicitation improper. Palmetto Enterprises, 57 Comp. Gen. 271 (1978), 78-1 CPD 116.

Finally, we do not believe that the contracting officer's inability to add the individual unit prices to determine with certainty whether or not they total the lump sum price bid for contract performance negates the propriety of the evaluation in this case. The unit prices are to be used only for two purposes, i.e., as a basis for an equitable adjustment to the contract price if particular items of work were either added or deducted during contract performance, and for the purpose of reducing the contract price to "reflect the reduced value of work performed" if inspection reveals the contractor's performance is inadequate. We believe a bidder's ability to obtain an advantage by "materially unbalancing" these unit prices to any degree is extremely remote since it is unlikely that any firm would be in a position to accurately predict the agency's potentially changing need over the period of performance. We therefore find no merit to this contention.

The protest is denied.


For the Comptroller General
of the United States