

DECISION



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

Martin
PK II 216

FILE: B-196097.3

DATE: July 7, 1980

MATTER OF: Refre and Associates -- Reconsideration

DIGEST:

[Request for Reconsideration of Protest Denial]

Under invitation which provides for evaluation of bids on basis of basic plus option year prices, agency may not consider savings associated with one bidder's low basic year bid when overall bid is not low.

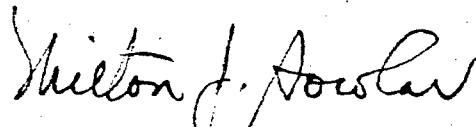
Refre and Associates (Refre) has requested reconsideration of our decision denying its protest of an award by the United States Air Force to Lewis Management and Services Company (Lewis) under invitation for bids (IFB) No. F02601-79-B-0033. Refre and Associates, B-196097, April 25, 1980, 80-1 CPD 298. In that decision, we held it would have been improper -- under the terms of the IFB which provided for evaluation of base year and two option year prices -- for the Air Force to base its award on prices bid only for the base year or on prices for the base year plus the first of the two option years. We also held that there was no basis for concluding that the Lewis bid was materially unbalanced because the Air Force had a known requirement for the two option years and was reasonably certain funds would be available for such options.

In its request for reconsideration, Refre concedes that bids may not be evaluated on a basis different from that set forth in the IFB. It contends, however, that a separate determination of which bid was the most advantageous to the Government should have been made apart from the bid evaluation procedure. In this regard, Refre states that the agency should have made award to Refre on the basis of its low bid

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for the base year rather than to Lewis on the basis of its low bid for the base year and the two option years, because it would have been more advantageous to the Government to save \$9,900 the first year than to possibly save \$57 (the difference between the two bids for the three year period) after three years.

There is no legal basis for Refre's position. In determining the bid most advantageous to the Government, the contracting agency must accept the low bid, evaluated in accordance with the provisions of the invitation, see, e.g., Jacobs Transfer, Inc., 53 Comp. Gen. 797 (1974), 74-1 CPD 213; 51 Comp. Gen. 645 (1972); 37 id. 51 (1957), assuming the low bidder is responsible. While the Government may consider factors other than bid price (such as transportation costs) in determining the low evaluated bid and therefore the bid most advantageous to the Government, the invitation must provide for evaluation of those factors. See, e.g., Drexel Contract Furniture, B-180598, June 14, 1974, 74-1 CPD 324; 36 Comp. Gen. 380 (1956); Defense Acquisition Regulation § 2-201(a) Section M. Here, since the invitation provided for evaluation on the basis of prices for three years, the agency could not have made the determination Refre suggests.



Acting Comptroller General
of the United States