

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

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FILE: B-211788.2

DATE: November 16, 1983

MATTER OF: Marine Ways Corporation--Request for
Reconsideration**DIGEST:**

Request for reconsideration is denied where the protester merely reargues the same points that were presented and considered in connection with the initial protest.

Marine Ways Corporation requests that we reconsider our decision Marine Ways Corporation, B-211788, August 29, 1983, 83-2 CPD 271, in which we denied the firm's protest against the proposed award of a contract to Crescent City Marine Ways & Drydock, Inc. under solicitation No. DAAG10-83-B-0301, issued by the Department of the Army for bids to repair and modernize a barge. Marine Ways had complained about the Army's decision to permit Crescent City to correct 1 of 26 unit prices in its bid to be consistent with the extended price for that item, which was reflected in the firm's total bid for all items.

We affirm our decision.

The contracting officer had used worksheets furnished by Crescent City, whose entered total bid was low, in deciding that the bid could be corrected. Marine Ways complained about the use of the worksheets because, in Marine Ways' view, correction of Crescent City's bid displaced Marine Ways as the low bidder. Marine Ways' position was that in view of the solicitation's presumption in favor of unit prices where there are discrepant extended prices, the contracting officer should have extended Crescent City's unit price and used that extension to calculate a total bid price for the firm. Marine Ways pointed out that Crescent City's total price was not low if calculated in that manner, and argued that since correction as requested thus displaced Marine Ways as the low bidder, Crescent City's worksheets could not be considered.

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We rejected Marine Ways' arguments. We stated that notwithstanding the worksheets, the fact that the unit price was clearly inconsistent with both the government estimate and the prices offered by the other bidders clearly indicated that only the extended price could reasonably be regarded as having been the intended price. We therefore concluded that Crescent City's extended bid price, which corresponded to its total bid, obviously was the firm's intended offer to the government, and thus that correction was proper.

In requesting reconsideration, Marine Ways reiterates its position that, in view of the presumption in favor of unit prices, a contracting officer's first step in determining which bidder is low must be to extend unit prices and include the extensions in reaching total bids, notwithstanding that the bidders already entered totals. Since using that approach results in Marine Ways being the low bidder, the firm again argues that the contracting officer's reliance on Crescent City's worksheets in the mistake correction process to displace Marine Ways was improper.

Marine Ways misunderstands our prior decision. We did not view this as a non-displacement situation so that resort to the worksheets was proper. Our point was that while the contracting officer used Crescent City's worksheets in deciding to permit correction, the worksheets simply were not necessary for that purpose because the intended bid was evident on the face of the bid. As we indicated in the decision, bids must be interpreted reasonably, and where the extended price represents the only reasonable interpretation of the intended bid, the unit price can be corrected to correspond to the extended price notwithstanding the standard unit price presumption. In Crescent City's case, based on logic, experience and comparison with the other bid prices and the government estimate, it was clear from the bid itself what the intended bid price actually was, that is, that the extended price was right and the unit price was wrong.

Our Office will reconsider a decision only if the requester has specified errors of law or fact. 4 C.F.R. § 21.9(a) (1983). Marine Ways essentially reargues the

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same points that it presented and which we considered in connection with the initial protest. While Marine Ways challenges our factual and legal conclusions, it has provided no new evidence or legal arguments that we did not already consider and which would warrant reversal of our initial decision. The request for reconsideration therefore is denied.

Milton J. Aoulan

Acting Comptroller General
of the United States