

DECISION



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

22350

FILE: B-216336

DATE: September 18, 1984

MATTER OF: Rodenberg's Floor Coatings, Inc.

DIGEST:

Contracting agency properly may accept telephonic bid modification received from Western Union receiving office provided written confirmation of the modification is received.

Rodenberg's Floor Coatings, Inc. protests the acceptance of a telegraphic bid modification submitted by a competitor to the Air Force under invitation for bids No. F44600-84-B-0073. We summarily deny the protest.

Rodenberg's states that at bid opening it was the apparent low bidder, but that the base contracting office had received a telephone call from Western Union which relayed a bid price reduction from the second low bidder. That modification resulted in displacement of Rodenberg's as the apparent low bidder. Rodenberg's objection is stated simply: "verbal telephone orders cannot be considered . . .; only written orders can be accepted."

The applicable regulation, however, permits acceptance of such a telephonic bid modification, provided other requirements are met. The Federal Acquisition Regulation, § 14.303, 48 Fed. Reg. 41,102, 42,177 (1983) (to be codified at 48 C.F.R. § 14.303), provides in part as follows:

"Bids may be modified or withdrawn by written or telegraphic notice received . . . not later than the exact time set for opening of bids. Unless proscribed by agency regulations, a telegraphic modification or withdrawal . . . received . . . by telephone

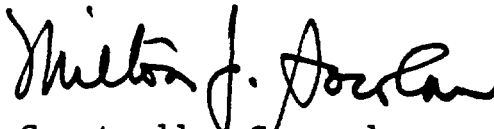
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from the receiving telegraph office shall be considered. However, the message shall be confirmed by the telegraph company by sending a copy of the written telegram that formed the basis for the telephone call."

We are not aware of any agency regulation that would preclude acceptance of a telegraphic modification. Therefore, in the absence of any indication or allegation that the requirements of the regulation are not being met, we find no legal merit to the protester's concern.

Accordingly, the protest is summarily denied.

for 
Comptroller General
of the United States