



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Buchanan Construction Company
File: B-224171.2
Date: February 12, 1987

DIGEST

Where bidder modified its bid by including an instruction to "cut total all bids \$41,000" without clearly stating whether entire \$41,000 reduction was to be taken from the base bid, from additive line items, or apportioned between base and additive line items, modification must be disregarded in determining whether bid is low.

DECISION

Buchanan Construction Co. protests the proposed award of a contract to Alexander & Shankle under invitation for bids (IFB) No. DAHA40-86-B-0007, issued by the United States Property and Fiscal Officer for Tennessee for construction of a medical training and dining facility for the Tennessee National Guard at Metro Airport in Nashville, Tennessee. Buchanan contends that it is entitled to award because it submitted the low responsive bid. We deny the protest.

The IFB asked for bids on five base and five additive line items, for a total of ten items. Bidders were advised that award would be based on the lowest aggregate price for the base items plus those additive items (in the order of priority listed in the schedule) that would permit the government to order the most work within available funds. Three bids were received and opened on September 9, 1986. The funds available would only cover the bids for the base items.

Although Buchanan contends that it submitted the low bid, we agree with the agency that it is not. The bid schedule provided for a "Total Amount for Base Bid" (items 1-5) and for "Total All Bids" (items 1-5 plus the additive items 6a-6e). On its bid schedule, Buchanan entered a total base bid of \$1,921,124, which was higher than Alexander and Shankle's base bid of \$1,898,900. The envelope in which Buchanan's

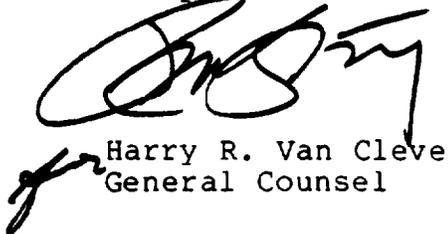
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bid was submitted contained the instruction, "Cut Total All Bids \$41,000."

The protester argues that it intended that the entire \$41,000 be subtracted from its base bid, thus making it the low bidder. We do not think that intent is evident from the bid. Buchanan's bid as submitted indicates that the protester intended to allocate a portion of the reduction to other items as well. The instruction on the bid envelope refers to a specific schedule item, "TOTAL ALL BIDS," where bidders are to total all their line item bids (both base and additive). Thus, it is not reasonable to assume from the bid documents that the \$41,000 was to be cut only from the first five line item prices which make up the base bid. If that were the case, the envelope should have directed the \$41,000 price reduction to the place on the schedule denominated "Total Amount For Base Bid" where the total price for the five base bid line items was to be inserted. The protester's statements after bid opening as to what it intended are not relevant as the bidder's intent must be determined from the bid at opening, and its post-bid opening statements as to its actual intent cannot be considered. Edcar Industries, Inc., B-213330, Nov. 4, 1983, 83-2 CPD ¶ 528. Thus, Buchanan's bid on the base items must be evaluated as submitted without the alleged \$41,000 reduction because there is no rational basis upon which to allocate that reduction between the base and additive line items. Ed A. Wilson, Inc., B-188260, et al., Aug. 2, 1977, 77-2 CPD ¶ 68. On that basis Buchanan is not the low bidder on the items to be awarded.

Since the protester is not the low bidder we need not consider the agency's argument that the bid is also for other reasons not responsive.

The protest is denied.



Harry R. Van Cleve
General Counsel