



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

Contracts

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Mr. Edward A. Poynton, Contracting Officer
Department of the Interior
Bureau of Indian Affairs
P. O. Box 1777
Albuquerque, New Mexico

Dear Mr. Poynton:

Reference is made to your letter of September 14, 1959, with enclosures, requesting a decision as to the action to be taken concerning an error which the Riverside Corporation alleges it made in its bid opened on August 27, 1959.

By specification No. 26-59, as amended, bids were requested for furnishing labor and materials and performing all work required for improvements to the water system at the Jicarilla Agency, Dulce, New Mexico, Project No. BU 605-558. The bid of the Riverside Corporation was not forwarded here but it appears from the abstract of bids that the corporation offered to perform the work for the lump sum of \$104,519. The nine other bids on the project ranged from \$117,000 to \$195,000 and the Government estimate of the cost of the work was \$117,000.

You state that the Riverside Corporation was represented at the bid opening by a Mr. Feak, a representative of the corporation's surety, and that after all of the bids had been opened, Mr. Feak reported the results to the president of the Riverside Corporation who, after checking his estimate sheets, alleged that an error in addition had been made thereon by him.

By letter dated August 28, 1959, the corporation advised that an error had been made on its bid in that the amount of \$16,780 covering the cost of a 250,000-gallon water tank was not included in the price quoted. It was stated further that a price of \$16,780 for the water tank was entered on one of the estimate sheets, but that in adding up the various items of cost on an adding machine it omitted the amount covering the water tank and, therefore, the corporation requested that its bid price for the project be increased by \$16,780. In support of its allegation of error, the corporation submitted its estimate sheets and an adding machine tape. The estimate sheets, consisting of three

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pages, show the various items of cost incident to the project and one of these sheets shows that among the various items of cost is "250,000 Gal. Water Storage Tank \$16,780." The adding machine tape submitted by the corporation shows various amounts totaling \$104,566.68 and none of the figures thereon are in the amount of \$16,780. In its letter of September 1, 1959, the corporation stated that the amount of \$104,566.68 shown on the adding machine tape was reduced to \$104,519 and then entered on its bid form. Also, in its letter of September 1, 1959, the corporation stated that had the error of omission not occurred on the adding machine tape, it probably would have quoted a price of \$120,987 for the project, notwithstanding the fact that the amounts shown on the estimate sheets total \$121,346.78.

On the record, there is no room for doubt that the Riverside Corporation made an error in its bid, as alleged. The circumstances in the present case, however, are not such as would warrant a departure from the general rule that bids may not be changed after the bids have been opened. See 17 Comp. Gen. 575. Accordingly, since error was alleged by the Riverside Corporation and since evidence was furnished in support thereof prior to award, the bid should be disregarded in making the award.

The papers are returned.

Sincerely yours,

V. E. Welch

Acting Comptroller General
of the United States

Enclosures