



Office of the General Counsel

B-229603

February 26, 1988

Gregory W. Schroeder, Esquire  
Assistant Counsel  
Missouri Highway and Transportation  
Commission  
P.O. Box 270  
Jefferson City, Missouri 65102

Dear Mr. Schroeder:

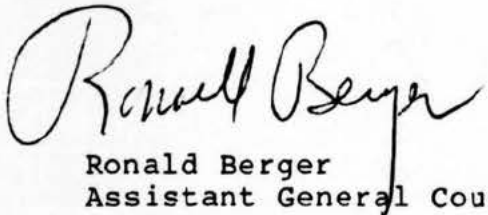
This is in response to your letter of February 4, 1988, to Comptroller General Bowsher. Our decisions in Ideker, Inc., B-194293, May 25, 1979, 79-1 CPD ¶ 379, affirmed, Aug. 21, 1979, 79-2 CPD ¶ 140, stand for the proposition that a contracting activity may permit a bidder to correct a bid price, even though the corrected bid displaced the low bid, where the mistake and the bid actually intended are substantially ascertainable from the bid itself.

The Comptroller General has not overruled the Ideker holdings. As recently as 1985 Ideker was cited with approval by this Office. See Marsellis-Warner Corporation, 65 Comp. Gen. 76 (1985), 85-2 CPD ¶ 590. (Copy enclosed.) Additionally, the Ideker holdings are consistent with Federal Acquisition Regulation § 14.406 (copy enclosed), the current applicable federal procurement regulation.

You ask whether we maintain jurisdiction to entertain bid protests arising from contracts under federal grants. As a matter of policy we discontinued reviewing protest type cases arising from the award of contracts under federal grants as of January 29, 1985. See 50 Fed. Reg. 3978 (1985); The George Sollitt Construction Company, 64 Comp. Gen. 243 (1985), 85-1 CPD ¶ 150. (Copy enclosed.) Therefore, our Office is no longer an available forum for bidders protesting the award of a contract under a federal grant.

Lastly, you ask whether the Missouri Highway and Transportation Commission, if it so desired, could seek a decision from us regarding the validity of the award of contract under a federal grant. The authority to request an advance decision from the Comptroller General is limited to officers of the federal government. 31 U.S.C. § 3529 (1982).

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the typed name and title.

Ronald Berger  
Assistant General Counsel

Enclosures