

DECISION



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

61352

FILE: B-187039

DATE: August 17, 1976

MATTER OF: Active Fire Sprinkler Corporation

98673

DIGEST:

Correction will be permitted where bidder's worksheet shows that bidder misplaced decimal in pricing item of work since intended price can be ascertained. Fact that every element of total bid price cannot be reconstructed from bidder's worksheets does not prevent upward correction where decimal point error is clearly shown.

By letter dated July 26, 1976, the Director, Supply Service, Department of Medicine and Surgery of the Veterans Administration (VA) requested a decision concerning an alleged mistake in the bid submitted by Active Fire Sprinkler Corporation (Active) in response to IFB 658-33-76.

The invitation, issued by the Veterans Hospital, Salem, Virginia, solicited bids for the installation of additional sprinkler systems in various buildings at the hospital. Five bids were received and opened on June 15, 1976. The following bids were received on the base item and additive alternative items A-C and deductive alternate item D:

| | ITEM 1 BASE | Alt. A (Add) | Alt. B (Add) | Alt. C (Add) | Alt. D (Deduct) |
|-------------------------------|----------------|-----------------|-----------------|-----------------|--------------------|
| Active | 174,500. | 6,150. | 13,700. | 8,800. | 10,200. |
| Allen Co. | 250,000. | 150,000. | 150,000. | 150,000. | 200. |
| Beasly Corp. | 391,545. | 16,273. | 31,076. | 16,425. | 36,386. |
| Magic City Sprinkler | 277,306. | 8005. | 16,883. | 9,431. | 18,411. |
| Prince Construction Co. | 305,850. | 9984. | 23,607. | 11,450. | 22,000. |

In view of the significant difference between Active's bid and that of the next low bidder the company's representative who was present at the bid opening was requested to verify the bid. He could not at that time verify the bid and by letter dated June 17, 1976, the president of Active advised the contracting officer that a mistake in the amount of \$68,562 had been made in calculating the base bid figure. Active contends that the mistake resulted when the figure of \$76,180 for electrical and miscellaneous work was incorrectly transposed as \$7,618 from the worksheet to an adding machine tape. Active submitted to the contracting officer its claim for an upward adjustment in its bid price of \$68,562 along with its worksheets.

It was the contracting officer's view that correction should not be allowed and that the award be made to the next low bidder, Magic City Sprinkler, Inc., for the base item and alternates A through C at a price of \$293,211. Active's bid for these items as corrected would be \$271,712 while its uncorrected bid for these items is \$203,150.

The matter was then submitted to the VA Department of Medicine and Surgery in Washington which submitted the question to this Office as a doubtful case in accordance with Federal Procurement Regulations (FPR) § 1-2.406-3(e) (FPR Cir. 1, 2d ed. 1964).

Our Office has held that to permit correction prior to award, a bidder must submit clear and convincing evidence that an error has been made, the manner in which the error occurred, and the intended bid price, Boatman and Magnani, Inc.; Standard Art, Marble & Tile Co., Inc., B-181345, June 13, 1974, 74-1 CPD 323.

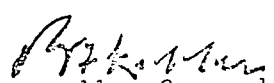
It appears from Active's worksheets that in transferring one of the three major items included in its base bid, "Electrical & Misc.", that the decimal point was misplaced reducing the worksheet figure of \$76,180 to \$7,618. This has been uncontroverted by the contracting officer.

However, the contracting officer reviewed Active's worksheets with the aid of VA's Engineering Service and an Architect-Engineer firm. Although the contracting officer did not question that the error was made as Active alleges, it was noted that several items deemed necessary for the project could not be located on Active's worksheets and in certain instances Active's estimate of the number of items required appeared to be less than the VA estimate. Although VA estimates these alleged discrepancies amount to over \$100,000

there is no indication that any of the discrepancies other than the omission of bond cost, overhead and profit (which was explained by Active) were discussed with Active nor is there any indication from the worksheets that the questioned items were not included under other larger categories or that they were required at all. In fact the contracting officer's analysis seems to a great extent to consist of a comparison of the Government estimate with Active's working estimates and categorizing any discrepancy as an error in Active's worksheet calculations. Active has taken issue with the contracting officer's observations on the bases that some of the data used by the contracting officer for comparison was incorrect and that apparently missing items of work were included within items shown on the worksheets.

In our view these alleged discrepancies in Active's worksheets do not prevent us from determining the amount of Active's intended bid. We do not believe that the questions raised concerning portions of Active's worksheets which have little or no relation to the type of error alleged or to the part of the work affected by the error affect the clear and convincing nature of the evidence of the mistake and the amount of Active's intended bid. It is still clear that the error consisted of a misplaced decimal point and that the amount of the intended bid is to be measured by the difference between the figure on the worksheet and that on the adding machine tape. Accordingly, Active should be allowed to revise its bid upward in the amount of \$68,562.

Deputy


Comptroller General
of the United States