

DOCUMENT RESUME

02364 - [A1452416]

[Allegation of Bid Ambiguity]. B-188386. May 13, 1977. 2 pp.

Decision re: Sioux Tools, Inc.; by Robert P. Keller, Acting Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: General Government: Other General Government (806).

Organization Concerned: Black & Decker Mfg. Co.; Federal Supply Service.

Authority: B-187232 (1976).

The protester alleged that its competitor's bid was ambiguous on some items and should have been rejected. Since the award was made based on the bidder's "all or none" bid, there was no reason why the alternate bid could not be accepted. The allegation that the bid price was too low created no basis to object to the award. (Author/SC)

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Michael Boyle
Proc. I



DECISION

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

FILE: B-188386

DATE: May 13, 1977

MATTER OF: Sioux Tools Inc.

DIGEST:

1. Since award was made based on bidder's alternate "all or none" bid--offering all four items at maximum quantity firm was willing to accept--we see no reason why such alternate bid could not be accepted; nor do we see any purpose in speculating whether award could have been made in other circumstances.
2. Allegation that bid price is too low creates no basis to object to award.

Sioux Tools Inc. (STI) protests the award of a contract to The Black & Decker Manufacturing Company (B&D) under invitation for bids (IFB) No. FTAP-B4-95024-A-1-24-77, issued by the General Services Administration, Federal Supply Service (GSA), for certain electrical tools. STI alleges that B&D's bid on IFB items 3, 4, 7 and 9 is ambiguous and should have been rejected.

The IFB contained information on the maximum quantity to be awarded and B&D stated in its bid the maximum quantity it would supply for each item and each item's unit price, as follows:

<u>Item No.</u>	<u>Maximum Quantity to be Awarded</u>	<u>B&D's Maximum Quantity Bid</u>	<u>B&D's Unit Price</u>
3	142	123	\$162.00
4	1,629	1,629	102.30
7	66	55	67.30
9	978	978	68.95

Incorporated into B&D's bid was the following language in its cover letter:

"Under this solicitation, [B&D] limits itself to supplying a maximum of 123 each of Item 3 and 55 each of Item 7, in accordance with the provisions of Standard Form 33A.

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"The following 'all or none' prices apply even when the government elects under Standard Form 33A to make an award on any item for a quantity less than the quantity shown in the solicitation for Items 4 and 9, or less than noted above for Items 3 and 7. Further, the following 'all or none' prices apply even though the government may elect under Standard Form 33A to not award any of an item; in this event the remaining 'all or none' prices will apply to those items actually to be awarded.

"As an alternate to the prices included in the attached bid, we offer the following unit prices on an "all or none" basis for the combined group of Items 3, 4, 7 and 9.

<u>"Item</u>	<u>Unit Price</u>
3	\$152.00
4	97.30
7	62.30
9	63.00"

Since B&D's "all or none" alternate bid reflected a savings to the Government of \$13,044.77 or 5.1 percent compared to making award on an item-by-item basis, award in the maximum quantities offered was made to B&D for those items. STI contends that B&D's alternate bid is inherently ambiguous since it must be presumed to apply to some reasonable minimum quantities for each item and no such quantity was stated.

B&D's alternate all or none bid is applicable to the actual award made which included all four items at the maximum quantities the firm was willing to accept. That being the case we see no reason why such alternate bid could not be accepted; nor do we see any purpose in speculating whether the alternate bid could have been accepted in other circumstances. Further, we have held that an allegation that a bid price is too low creates no basis to object to an award. Murray & Tregurtha Division of Mathewson Corporation; Schottel of America, Inc., B-187232, December 14, 1976, 76-2 CPD 484.

Accordingly, STI's protest is denied.

R. F. Kellum
Acting Comptroller General
of the United States