



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

B-179725

October 30, 1973

40152

The Honorable  
The Secretary of Agriculture

Dear Mr. Secretary:

We refer to a letter dated September 18, 1973, with enclosures, from the Director, Office of Plant and Operations, requesting a decision as to the action to be taken concerning an error alleged by Mr. Richard Delena to have been made in his bid upon which contract No. 01-2576 is based.

The Forest Service, Eastern Region, Milwaukee, Wisconsin, by invitation No. R9-73-41 requested bids for the construction of Goblin Creek Road No. 354 (Section A), Ottawa National Forest, Baraga and Iron Counties, Michigan. Richard Delena submitted an aggregate total bid in the amount of \$62,615.86. The three other bidders on the project quoted aggregate total bid prices ranging from \$76,217.60 to \$97,556.30. The Government estimate for the work was \$70,259.30. The bid of Richard Delena was accepted on June 8, 1973.

At a prework conference on July 12, 1973, Richard Delena alleged that the bid price was in error because it did not include pit excavation and gravel crushing work as it assumed that gravel stockpiled at the Government pit would be available for use in the work. The contractor seeks to recover \$4,830 for the omitted work.

However, we find no basis to increase the contract price as requested since the contracting officer made award without notice of possible error. The contracting officer had no reason to suspect error since the low bid was in line with the other bids received and the Government estimate. Therefore, the acceptance of the bid constituted a valid and binding agreement from which relief may not be granted. B-178336, May 10, 1973; B-178813, July 13, 1973; B-178731, August 3, 1973.

Sincerely yours,

Paul G. Dombling

For the Comptroller General  
of the United States

[Request for Relief Alleging Error in Bid]

~~Ms. 446~~ 091800