



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

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September 25, 1973

The Honorable
The Secretary of the Army

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Dear Mr. Secretary:

Reference is made to letter DAEN-GCN dated June 29, 1973, with enclosures, from the General Counsel, Office of the Chief of Engineers, recommending relief for Toombs & Co., Inc., Fairbanks, Alaska, for an error made in the bid upon which contract No. DACA85-72-C-0078 is based.

The solicitation upon which the contract is based invited bids for the construction of National Guard Armories at three sites: Gambell (schedule A), Goodnews Bay (schedule B) and Savoonga (schedule C). The invitation provided that the Government would furnish transportation for supplies, materials and equipment and invited bidders to specify the amount of tonnage that would be shipped. The invitation stated that any tonnage over the amount stated would be shipped at the rate of \$100 per ton to be deducted from the contractor's earnings.

The Toombs & Co., bid in the amount of \$73,910 for each of schedules A and C was the low bid. In the space provided for the indication of tonnage that would be furnished for shipment by the Government, Toombs inserted "- 0 -." The Government estimate was \$125,000 for each of the two schedules.

The Board of Awards reviewed the Toombs bid and suspected the possibility of an error because of the bid prices and the indication that there would be no tonnage for shipment by the Government. Toombs was requested to verify the bid prices. There was no indication in the request for verification that an error was suspected also because of the tonnage matter. Toombs verified the bid prices and an award was made to it for schedules A and C.

Subsequently, after the amount of \$8,790 for the cost of tonnage was deducted from the final payment to Toombs under the contract, Toombs alleged that it made an error when it indicated that there would be no tonnage for shipment and requested payment of the \$8,790. Such payment does not result in any change in the contractor's status as low bidder.

Since it appears from the record that the request for verification prior to award failed to disclose to the bidder the complete basis upon

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which an error in bid was suspected, we concur with the recommendation of the General Counsel and the contracting officer that relief should be accorded the contractor.

Sincerely yours,

Paul G. Darbling

For the Comptroller General
of the United States

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