



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

Mr. Weiskopf  
14605  
PLII

B-197445

August 12, 1980

[Recommendation Resulting From Court Decision]

The Honorable Patricia J. Boyle  
United States District Judge  
The United States District Court  
for the Eastern District of Michigan,  
Southern Division  
211 Federal Building  
Detroit, Michigan 48226

DLG04079

Dear Judge Boyle:

We have been forwarded a copy of the court's decision in E.A. Ellis Contractors, Inc. v. General Services Administration, Civil Action No. 80-70381 (E.D. Mich., July 3, 1980), holding that the General Services Administration's (GSA) rejection of E.A. Ellis Contractors, Inc.'s (Ellis) bid under invitation for bids No. GS-05BC-82301 was unlawful and referring the matter to the General Accounting Office to determine appropriate relief. We understand that GSA awarded a contract to Schiller Construction Company, Inc., but has not issued a notice to proceed. DLG05090

In view of the judgment, we recommend that GSA terminate the present contract for the convenience of the Government and make award to Ellis if the firm is determined responsible. This is the type of recommendation we ordinarily make, if practicable, where a contract was awarded after what subsequently is determined to have been the improper rejection of a lower bid. See Commercial Sanitation Service, 55 Comp. Gen. 352 (1975), 75-2 CPD 212.

Copies of this letter are being provided to the parties in the case.

Sincerely yours,

For The Comptroller General  
of the United States

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COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-197445

August 12, 1980

The Honorable R. G. Freeman III  
Administrator of General Services  
Washington, D.C. 20405

Dear Mr. Freeman:

We are enclosing a copy of our response to the court's decision in E. A. Ellis Contractors, Inc. v. General Services Administration, Civil Action No. 80-70381 (E.D. Mich., July 3, 1980), which held that your agency's rejection of the plaintiff's bid under invitation for bids No. GS-05BC-82301 was unlawful and referred the matter to this Office to determine appropriate relief.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Forster".

For The Comptroller General  
of the United States

Enclosure