



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: A.D. Willis Company, Inc.

File: B-261109.2

Date: October 4, 1995

Garreth E. Shaw, Esq., Shaw & Deadman, for the protester.
Donald E. Barnhill, Esq., and Joan K. Fiorino, Esq., East & Barnhill, for Beldon Roofing & Remodeling Company, an interested party.
Nicholas P. Retson, Esq., Bryant S. Baner, Esq., and Michael P. Finn, Esq., Department of the Army, for the agency.
Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Low bid is not unbalanced where there is no evidence that bid contained enhanced prices.

DECISION

A.D. Willis Company, Inc. protests the award of a fixed-price requirements contract to Beldon Roofing & Remodeling Company under invitation for bids (IFB) No. DAKF48-95-B-0002, issued by the Department of the Army to furnish all materials, equipment and labor necessary to reroof miscellaneous buildings at Fort Hood, Texas. Willis asserts that Beldon's bid was mathematically and materially unbalanced and should have been rejected by the agency.

We dismiss the protest.

The IFB, issued on February 14, 1995, required bidders to insert a unit and extended price for each of approximately 25 contract line items (CLIN) and a total price for all line items.¹ For each CLIN, the solicitation provided an estimated quantity of the

¹Each CLIN described separate roofing repair work that was required. For example, CLIN 0001 required the contractor to remove and dispose of gravel from built-up roofs and prepare the surface for a new roofing system. CLIN 0002 required removal and disposal of built-up roofing and roof deck insulation.

work or materials that was required to be performed or furnished. The solicitation stated that a single contract would be awarded to the low bidder for all 25 CLINs.

The agency received 11 responsive bids on March 21, 1995, the scheduled bid opening date, ranging in price from Beldon's low bid of \$611,822 to a high bid of \$1,105,682. Willis's bid of \$683,230 was second low. The agency awarded the contract to Beldon. This protest followed.

As relevant here, the protester argues that Beldon's bid was mathematically unbalanced because it contained unreasonably low priced CLINs and two CLINs (0001 and 0002) which were unreasonably high and enhanced.²

Before a bid can be rejected as unbalanced, it must be found both mathematically and materially unbalanced. Oregon Iron Works, Inc., B-247845, May 27, 1992, 92-1 CPD ¶ 474. A bid is mathematically unbalanced where it is based on nominal prices for some of the items and enhanced prices for other items. OMSERV Corp., B-237691, Mar. 13, 1990, 90-1 CPD ¶ 271. A bid cannot be found mathematically unbalanced, absent evidence that it contains prices which are excessive and overstated. See IMPISA Int'l, Inc., B-221903, June 2, 1986, 86-1 CPD ¶ 506.

The protester argues that Beldon's bid price of \$24 for CLIN 0001 was unreasonably high because the protester itself bid only \$10. However, the record shows that the other nine bids for CLIN 0001 ranged in price from \$21 to \$67 with eight bids higher than Beldon's bid. Further, the average bid price of the 11 bids was \$41, which is 71 percent higher than Beldon's bid price for this CLIN. With respect to CLIN 0002, the record shows that Beldon's price of \$80 (as compared with the protester's price of \$45) was well within reasonable limits since three other bidders exceeded that price, and Beldon's CLIN price was within 5 percent of the average price of the current roofing contract price at Fort Hood for this CLIN.

In short, the record shows that in support of its position, the protester here principally relies on its own bid prices to show that Beldon's two CLIN prices were unreasonably high. However, contrary to the protester's arguments, a comparison of a competitor's prices with one's own prices does not establish price

²The agency admits that Beldon submitted nominal prices at least for CLINs 0009, 0010, 0011, and 0012. The contracting officer specifically found Beldon's bid prices for CLINs 0001 and 0002 to be reasonable and not enhanced or overstated. As discussed below, we agree with the agency that Beldon's bid did not contain any enhanced prices; we also note that, in the absence of enhanced prices, the presence of nominal CLIN prices does not, by itself, render a bid mathematically unbalanced. See Stanley Aviation, Inc., B-256650, July 14, 1994, 94-2 CPD ¶ 23.

enhancement or that a bid is mathematically unbalanced. See Hughes & Smith, Inc., B-250770, Jan. 22, 1993, 93-1 CPD ¶ 60. Since we find that the protester has failed to show that Beldon's bid contained any excessive or overstated prices, we conclude that the protester has failed to show any valid basis for protest.³

The protest is dismissed.

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³The protester also argues that Beldon's bid was materially unbalanced because the solicitation's estimates were faulty. We do not reach this issue because we have found that Beldon's bid was not mathematically unbalanced.