



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

B-177726 (3)

May 3, 1973

30866

AIR MAIL

AAA Van & Storage Company
1008 West Main Street
El Cajon, California 92020

DLC 06/16/72

Attention: Mr. Thomas S. Gallagher
President

Gentlemen:

Reference is made to your telegram dated December 28, 1972, and your letter dated January 5, 1973, protesting the contract award to DeWitt Transfer & Storage Company (DeWitt) and the Government's refusal to accept an alleged "no charge" bid by Eckert Van & Storage Company (Eckert) under IFB M00681-73-B-0022, issued by the Marine Corps, Purchasing and Contracting Office, Oceanside, California.

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Enclosed is a copy of our decision of today to Mission Van & Storage Company denying its protest against the acceptance of the "all or none" bid of DeWitt. Your protest against the award to DeWitt must also be denied for the reasons stated in our decision to Mission Van.

In connection with your protest regarding the withdrawal of an erroneous bid by Eckert, the record shows that in each of the blanks provided for inserting a price under items in Schedule III, Area III, Eckert placed the words "no charge" under the unit price column and the notation "XXX" in the extended amount column. Also, in the recapitulation space Eckert placed "Xs" across both unit price and amount columns. The contracting officer questioned this and Eckert alleged that it did not intend to bid on Schedule III, Area III.

As explained in our decision to Mission Van, an individual award could have been made on the basis of low "area" bids, unless the bid was otherwise qualified. It seems obvious to us that a contractor would not reasonably have intended to obligate himself

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to accept a single contract, for the services in one area, without compensation. Accordingly, we believe Eckert did not intend to bid on Area III, Schedule III, and the "no charge" notation was properly disregarded.

Your protest therefore must be denied.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States