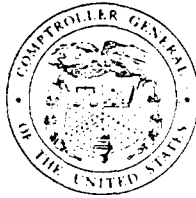


DECISION

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

51045

FILE: B-184007

DATE: September 24, 1975

MATTER OF: Building Maintenance Corporation

97421

DIGEST:

Failure of agency to release bidding information in response to telephone inquiry from bidder and its practice of charging \$5 fee for copy of abstract are reasonable in view of administrative burden placed on personnel by such telephonic requests and procedure is in accord with ASPR § 2-408.1 and 31 U.S.C. § 483.

Building Maintenance Corporation (BMC) has challenged the practice of the Procurement Directorate, United States Army Aberdeen Proving Grounds, Maryland, of charging bidders \$5 for a copy of the abstract of bids for a solicitation issued by that activity.

BMC advises that following the bid opening under invitation for bids No. DAAD05-75-B-0147, it called Aberdeen for the results of the bidding and was advised that such information could not be given over the telephone but that an abstract would be mailed to the firm following the receipt of a \$5 check or money order payable to the Treasurer of the United States.

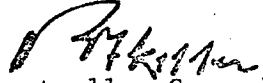
BMC contends that this policy works a hardship on it because it is bidding on numerous contracts which have bid opening the same day and, therefore, it is impossible to attend all openings to learn the results. These results are needed promptly according to BMC so that it will know what its contractual obligations are and so that it will not exceed its bonding credit limit.

The Army has stated that it implemented this policy because the numerous telephone requests which it received placed an unreasonable burden on the procurement office personnel and unduly delayed the processing of awards. The Army further notes that all of its solicitations contain advice that this procedure will be followed after bid opening and that the \$5 fee is in keeping with the schedule of fees in Army Regulation 37-30, which implements the User Charge Statute, 31 U.S.C. § 483a (1970). This statute expresses the sense of Congress that any work, service, publication or similar things of value or utility performed by Federal agencies be self-sustaining to the full extent possible.

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Upon review, we find nothing improper in the above-described procedure. Bidders have the option of attending bid opening or visiting the activity and viewing the abstract which is posted after opening. Whether a bidder chooses either of the above alternatives is a business judgment which he must make. Moreover, we note that this type of procedure is permissible under the guidelines contained in section 2-408.1 of the Armed Services Procurement Regulation (1974 ed.).

Therefore, we believe the procedure to be reasonable in light of the justification given by the Army for its institution.


Deputy Comptroller General
of the United States