

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

50983

FILE: B-183472

DATE: August 6, 1975

MATTER OF: ARSCO, Inc.

97300

**DIGEST:**

Procuring office's decision not to make award for one of eight items for which bids were solicited, and to therefore award contract to low bidder on seven items rather than to low bidder on all eight items, was proper since IFB reserved to Government right to delete item in question from award.

Invitation for bids (IFB) No. DAAE07-75-B-0507, issued by the Army Tank-Automotive Command, Warren, Michigan, solicited bids for custodial services involving six buildings (items 0001 through 0006), venetian blind repairs (item 0007), and an alternative additive for wall fin radiation cleaning and light fixture washing (item 0008). The IFB also contained the following notation:

"NOTE: BIDDERS ARE REQUIRED TO SUBMIT BIDS FOR ITEM 0008 ABOVE AND AWARD MAY NOT BE MADE FOR ITEM 0008 ONLY."

Bids were opened on March 5, 1975, and ARSCO, Incorporated (ARSCO) was low bidder on items 0001 through 0008. However, on March 12 the Facility Engineer advised the procuring office that, in view of an austere funding position, no award was to be made for item 0008 since the item merely called for a second wash/cleaning in addition to the one already required under the terms of the contract. Accordingly, on March 13 an award was made to Daelyte Service Company (Daelyte), the low bidder on items 0001 through 0007.

ARSCO protests that the decision not to make an award for item 0008, thereby displacing ARSCO as low bidder, was improper. ARSCO contends that the notation concerning item 0008 does not clearly indicate that the item may not be included in the award, but rather that a separate award would not be made for the item, which ARSCO alleges implies that an award would be made based on the total bid for all items.

The pertinent provisions of the IFB, in addition to the one quoted above, are paragraph C-15 of the Solicitation Instructions, Conditions and Notices to offerors, and paragraph 10(c) of Standard Form 33A, the Solicitation Instructions and Conditions, which was incorporated by reference. Paragraph C-15 provides:

"Notwithstanding the language of paragraph 10(c) of the Solicitation Instructions and Conditions of this Solicitation, bids must be submitted for the total quantity of the items advertised. ONLY ONE AWARD WILL BE MADE AS A RESULT OF THIS INVITATION FOR BIDS. \* \* \*"

Paragraph 10(c) of the Solicitation Instructions and Condition adds that " \* \* \* The Government may accept any item or group of items of any offer, unless the offeror qualifies his offer by specific limitations."

It is clear from the language of these two IFB provisions, considered in conjunction with the notation "AWARD MAY NOT BE MADE FOR ITEM 0008 ONLY," that although bidders were instructed to bid on all items in the solicitation, and only one award would be made, the Government reserved the right to delete item 0008 from the award. In addition, we note as further indications of the Government's intent both the statement immediately following item 0008 that "Item 0007 and 0008 (if awarded) shall be billed as completed," and the characterization of item 0008 as an "additive." Thus, the IFB clearly indicates that there may be no award for item 0008, and award to Daelyte of items 0001 through 0007 was therefore in accordance with the terms of both the solicitation and Armed Services Procurement Regulation § 2-407.1 (1973 ed.), which requires award " \* \* \* to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered."

Accordingly, the protest is denied.

  
Deputy Comptroller General  
of the United States