

DECISION



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

FILE: B-215805

DATE: October 31, 1984

MATTER OF: RGI Incorporated

DIGEST:

Fourth low bidder is not an "interested party" under GAO Bid Protest Procedures to protest reduction of low bid after bid opening where that bidder would not be in line for award if the protest were sustained.

RGI Incorporated (RGI) protests award of a contract to Air Dry Corporation of America (Air Dry) and the decision of the Defense Logistics Agency (DLA) to permit Air Dry to reduce its bid price after bid opening under invitation for bids (IFB) No. DLA700-84-B-0618 for gage globe valves.

We dismiss the protest.

RGI contends that Air Dry improperly was allowed to lower its bid after bid opening although Air Dry was not the low bidder.

At bid opening American Piping Accessories Co., Inc. (American Piping), was the low bidder, Air Dry was third low bidder, and RGI submitted the fourth low bid. The IFB contained an option for additional quantities. DLA determined that the additional quantities were needed and, after a reevaluation including the option bids, Air Dry became low bidder and American Piping became second low bidder. RGI remained fourth low bidder. Air Dry offered a reduction from its low bid.

DLA contends that RGI is not an interested party under our Bid Protest Procedures, 4 C.F.R. § 21.1 (1984), since RGI was fourth low bidder and would not be in line for award even if the protest were sustained. If the protest against acceptance of the reduced bid were upheld, Air Dry still would be low bidder and entitled to award on the evaluation of the basic bid together with the option bid. If the evaluation were found improper, American Piping would be the low bidder and entitled to award. Neither DLA nor RGI have indicated that either Air Dry or American Piping is otherwise ineligible for award. Therefore, RGI lacks the direct interest necessary to make it an interested party, under

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our Bid Protest Procedures, and we dismiss the protest.
Donald Harris, Inc., B-214124.2, Mar. 1, 1984, 84-1 C.P.D.
¶ 258.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel