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**DECISION**



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

B-218122

**FILE:**

**DATE:** February 14, 1985

Riverport Industries, Inc.

**MATTER OF:**

**DIGEST:**

1. Agency may properly award to "all or none" bidder notwithstanding IFB provision that award will be by individual items.
2. Protest that competitor's bid may be mistaken because it seems too low is dismissed since only the contracting parties may assert rights and bring forth all necessary evidence to resolve mistake in bid questions. Moreover, submission of bid considered by another firm as too low does not constitute a legal basis for precluding award.

Riverport Industries, Inc. (Riverport), protests the Navy's award of a contract to T.M. Systems, Inc. (TMS), under invitation for bids (IFB) No. NOO197-85-B-0008 issued by the Naval Ordnance Station, Louisville, Kentucky. Riverport contends that TMS is nonresponsive because of Riverport's belief that the IFB precluded the submission of "all or none" bids. Riverport also believes that TMS may have made a mistake in its bid because TMS's overall bid seems much too low.

We summarily dismiss the protest for failure to state a valid basis for protest under section 21.3(f) of our Bid Protest Regulations. 49 Fed. Reg. 49,417, 49,421 (1984) (to be codified at 4 C.F.R. § 21.3(f)).

Riverport reports that the IFB contains a provision which reads: "Note: Award will be by individual items." Riverport argues that the above provision requires the Navy to award to the lowest bidder on each item. We have held, however, that similar phrases, "award will be made on lot basis only" and "award will be made on an item-by-item . . . basis," did not preclude the award to bidders who bid

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on an "all or none" or combination basis. The Interior Steel Equipment Co., B-209016, Feb. 8, 1983, 83-1 C.P.D. ¶ 139; 42 Comp. Gen. 415 at 417 (1963). For this reason, there is no basis for concluding that TMS's "all or none" bid was nonresponsive to the IFB.

Regarding Riverport's contention that TMS may have made a mistake in its bid, we have held that only the contracting parties--the government and the firm in line for award--are in a position to assert rights and bring forth all necessary evidence to resolve mistake in bid questions. Bill Conklin Associates, Inc., B-210927, Aug. 8, 1983, 83-2 C.P.D. ¶ 177. Moreover, consideration of a protest such as this in effect would necessitate that we judge whether the low bid appears unreasonably low and, if it does, whether the government must reject it. We have held, however, that the submission of a bid considered by a competitor as too low does not constitute a legal basis for precluding award. Bill Conklin Associates, Inc., B-210927, supra.

  
Comptroller General  
of the United States