

**DECISION**



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

**FILE:** B-209573

**DATE:** January 24, 1983

**MATTER OF:** Tektronix, Inc.

**DIGEST:**

Protest that bid was improperly rejected as late is dismissed where "late" bid was higher than four timely bids. No useful purpose would be served by our consideration of the matter because, even if protest was sustained, protester would not be in line for award.

Tektronix, Inc., protests the rejection of its bid submitted under invitation for bids (IFB) No. 640-16-83, issued by the Veterans Administration Medical Center, Palo Alto, California (V.A.). Tektronix contends it submitted its bid at the time and place set for the delivery of bids, but the V.A. improperly rejected its bid as late.

The protest is dismissed.

The V.A. has provided us with an abstract of bids which indicates that four timely bids were submitted. The lowest bid was \$3,488. The highest bid was \$6,034.44. Tektronix's rejected bid was \$6,796.06.

We need not resolve the merits of the protest because even if Tektronix's bid was improperly rejected, Tektronix would not be the low bidder and therefore not in line for award. No useful purpose would therefore be served by our consideration of the matter. Van-Tel, Inc., B-204233, March 8, 1982, 82-1 CPD 207. This dismissal is in accord with International Business Investments, B-202164.2, June 8, 1981, 81-1 CPD 459, in which we held that a fifth-low bidder was not an interested party when there was at least one other firm to whom award could be made under the invitation.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel