



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Western Roofing Service

File: B-228421

Date: October 20, 1987

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### DIGEST

A higher bidder has no standing to challenge an agency's refusal to allow the low bidder to withdraw its bid based on the low bidder's claim of mistake, where the low bidder has accepted the award at the price actually bid and it is clear that the bid would remain low under any circumstance.

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### DECISION

Western Roofing Service protests the award of a contract to American Pacific Roofing, the low bidder under invitation for bids (IFB) No. F04666-87-B-0036, issued by the Air Force for reroofing the facilities at Beale Air Force Base, California. Western, the second low bidder, complains that the Air Force should have allowed American to withdraw after the firm claimed an error in its bid. American's bid would be the lowest one received even if corrected upward. According to Western, the Air Force would not allow correction, and award was made at the price actually bid.

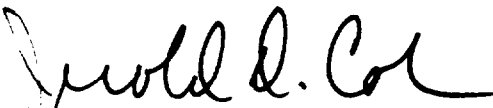
We dismiss the protest without obtaining an agency report, pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1987), as it is clear on its face that the protest is without merit.

We will not consider Western's argument that the Air Force should have allowed American to withdraw. A bidder that initially claims mistake may be permitted to withdraw the claim and accept the award, or accept award after the claim is disallowed, if the bid clearly would be low with or without correction. See DeRalco, Inc., B-228721, Oct. 10, 1987, 87-2 C.P.D. ¶ \_\_\_\_\_. Mistake-in-bid verification and correction procedures afford the government the financial benefit of accepting a corrected, or uncorrected, low bid, instead of permitting the withdrawal of the allegedly mistaken bid, so long as the other bids would remain higher under any circumstances. See Southwest Truck Body Co., B-208973, Dec. 27, 1982, 82-2 C.P.D. ¶ 580. Moreover, it is

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solely the responsibility of the contracting parties--the government and the firm whose bid is involved--to assert rights and bring forth the necessary evidence to resolve mistake questions. Id. A higher bidder therefore does not have standing to pursue a claim of error on the low bidder's behalf. See Window Systems Engineering, B-222600, June 2, 1986, 86-1 C.P.D. ¶ 509.

The protest is dismissed.

  
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