



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kellogg Plant Services Inc.

File: B-227689.3

Date: November 24, 1987

DIGEST

1. Protest that competitor's bid is mistaken is not for consideration by General Accounting Office since only the contracting parties may assert mistake in bid questions.
2. Protest by firm that is not in line for award if the protest were sustained is dismissed since the protester does not have the requisite direct economic interest in the contract award to be considered an interested party under Bid Protest Regulations.

DECISION

Kellogg Plant Services Inc. protests the award of a contract to Burns and Roe Services Corp. under invitation for bids No. N62470-86-B-7904 issued by the Navy. Kellogg contends that Burns and Roe's bid should be rejected as unbalanced.

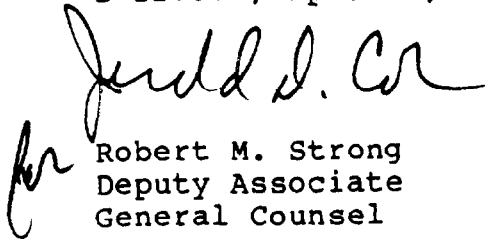
We dismiss the protest because Kellogg is not an interested party. Our Bid Protest Regulations require that a protester be an interested party before we will consider its protest. 4 C.F.R. § 21.1(a) (1987). A protester is not an interested party if it would not be in line for award if its protest were upheld. 4 C.F.R. § 21.0(a); Appleton Food Service and Management Corp., B-225125.2, May 27, 1987, 87-1 C.P.D. ¶ 543. Here, Kellogg submitted the third low bid. The second low bidder was DOD Contracts, Inc., which has also protested that Burns and Roe's bid is unbalanced. Kellogg contends that DOD's bid includes mistakes amounting to more than \$2 million which, if added to DOD's bid, would result in its becoming higher than Kellogg's bid. However, this question is not for review by our Office because it is solely the responsibility of the contracting parties--the government and the firm in line for award--to assert rights and bring forth all necessary evidence to resolve mistake in

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bid questions. Riverport Industries, Inc., 65 Comp. Gen. 265 (1985), 85-1 C.P.D. ¶ 201; J.D. Bertolini Industries Ltd., B-219791, Aug. 19, 1985, 85-2 C.P.D. ¶ 193.

Accordingly, since Kellogg would not be in line for award even if we upheld the protest against Burns and Roe, Kellogg is not an interested party entitled to protest.

The protest is dismissed without holding the conference requested by Kellogg since a conference would serve no useful purpose. See McDonald Welding & Machine Co., B-227004, Apr. 14, 1987, 87-1 C.P.D. ¶ 409.


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