



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Cambridge Construction and Development,
Inc.

File: B-245819.2

Date: October 29, 1991

Steve Neville for the protester,
Henry J. Gorczycki, Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

An all-or-none bid must be considered for award of all line items where the invitation for bids does not expressly prohibit such bids and the all-or-none bid represents the lowest cost to the government.

DECISION

Cambridge Construction and Development, Inc. protests the award of a contract to Bill Strong Enterprises, Inc., under invitation for bids (IFB) No. F45613-91-B-0059 issued by the Department of the Air Force for replacing closet doors in two housing facilities at Fairchild Air Force Base, Washington.

We dismiss the protest.

The IFB solicited bids on two separate projects: project No. GJKZ 92-0063 involved work in officer's and noncommissioned officer's Capehart housing, and project No. GJKZ 92-0064 involved similar work in Geiger Heights housing. Bids were opened on September 17, 1991. On the Capehart project, Cambridge submitted the low bid of \$314,665 and Bill Strong submitted the second low bid of \$402,594. On the Geiger Heights project, Bill Strong submitted the second low bid of \$233,569 while Cambridge submitted the third low bid of \$340,888. Bill Strong conditioned its bid with the statement that it would only accept award of both projects.

On September 18, the Air Force informed Cambridge that it was the apparent low bidder on the Capehart project. On September 24, the Air Force notified Cambridge that the lowest bidder on the Geiger Heights project had withdrawn

its bid and the second lowest bid, submitted by Bill Strong, was considered nonresponsive because of its "all-or-none" reservation. Consequently, Cambridge was also considered the apparent low bidder on the Geiger Heights project.

On September 25, Bill Strong protested the rejection of its bid to our Office. On September 26, the Air Force reconsidered and reversed its determination, finding that the IFB did not advise bidders that all-or-none bids would not be accepted. On October 2, the Air Force notified Cambridge that both projects had been awarded to Bill Strong, the low aggregate bidder.¹

Cambridge protests that the Air Force erred in making the awards on an aggregate basis because the solicitation specified that the awards would be made to the lowest bidder for each item and did not provide for all-or-none bids. Cambridge asserts that it is therefore entitled to the award of both projects, since it is low bidder for both the Capehart project and Geiger Heights project because Bill Strong, by virtue of its all-or-none qualification, did not unconditionally offer to perform the Geiger Heights project for which it submitted the lowest bid.

The IFB stated that "[a]ward(s) will be made to the responsive and responsible bidder(s) submitting the lowest bid for each item. Bidder(s) may submit bids for one or both items. Listed order of items shall have no bearing in determining low bidder(s)." The IFB neither requested nor prohibited aggregate or all-or-none bids.

Where a solicitation does not expressly prohibit all-or-none bids, such bids must be considered for award. Federal Acquisition Regulations (FAR) § 14.404-5; Mansfield Assocs., Inc., B-242270, Mar. 13, 1991, 91-1 CPD ¶ 284; Tritech Field Eng'g, B-233357, Feb. 27, 1989, 89-1 CPD ¶ 207. Awards to a bidder who submits bids on an all-or-none basis are not precluded, even where the IFB specifically excluded a clause, which expressly permitted all-or-none bids, or where the IFB contained phrases such as "award will be made on a lot basis only" or "award will be made on an item-by-item basis." Mansfield Assocs., Inc., *supra*; The Interior Steel Equip. Co., B-209016, Feb. 8, 1983, 83-1 CPD ¶ 139. That is, even where, as here, the IFB provided for multiple awards, a bidder may generally condition its bid upon receipt of the award of all line items unless the IFB prohibits such bids. Uniroyal Plastics Co., Inc., B-240319, Nov. 2, 1990, 90-2 CPD ¶ 360. Under these circumstances, a contracting officer must make award to an all-or-none bidder

¹Cambridge's total price for both projects was \$655,553, while Bill Strong's aggregate bid was \$635,863.

submitting the bid that would result in the lowest overall cost to the government to satisfy the requirement that award be made to the responsible bidder whose responsive bid would be most advantageous to the government considering only price and price related factors included in the invitation. Mansfield Assocs., Inc., supra; see Uniroyal Plastics Co., Inc., supra; see FAR § 14.407-1(a).

Here, the Air Force could not take advantage of Cambridge's low bid on the Capehart project without losing the overall cost advantage offered by Bill Strong's aggregate bid. Since all-or-none bids were not prohibited by the IFB, the Air Force properly awarded both projects to Bill Strong. While Cambridge argues this evaluation unfairly changed the bidding process causing bidders to play by different rules, the agency simply selected for award a bidder who properly had chosen to bid on an all-or-none basis. Id.

The protest is dismissed.



James A. Spangenberg
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