



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Applied Ordnance Technology, Inc.

File: B-270806

Date: January 23, 1996

DECISION

Applied Ordnance Technology, Inc. (AOT) protests the award of a contract to Columbia Research Corporation by the Naval Surface Warfare Center, Department of the Navy, under request for proposals No. N00174-94-R-0057.

We dismiss this protest because a subcontractor or prospective supplier is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556, only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. Section 21.0(a), 60 Fed. Reg. 40,737, 40,739 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.0(a)). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Under these rules, a prospective subcontractor does not have the requisite interest to be an interested party because it is not a prospective or actual bidder or offeror. Nasatka Barrier, Inc., B-234371; B-234578, Mar. 31, 1989, 89-1 CPD ¶ 349.

The record shows that AOT-Maryland, Inc. (AOT-MD), not AOT, submitted the proposal in response to the referenced solicitation. Although AOT-MD, the offeror, is a subsidiary of AOT, the parent corporation, AOT-MD expressly proposed itself as the prime contractor and AOT as its subcontractor for performing financial and administrative functions. Because AOT-MD proposed itself as the prime contractor, this entity, not AOT, a proposed subcontractor, is the interested party for purposes

of filing a protest. Accordingly, the protest filed by AOT, a proposed subcontractor, is dismissed since this entity is not an interested party.

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