

DOCUMENT RESUME

02970 - [A1932978]

[Concerned Private Citizen May Not Protest Procurement].
B-188751. July 6, 1977. 2 pp.

Decision re: Barbara L. Bayliss; by Paul G. Dewbling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).

Organization Concerned: Colorado-Tennessee Mining Co., Inc.;
Department of Defense: Defense Fuel Supply Center,
Alexandria, VA.

Authority: Small Business Act, sec. 8(a). 4 C.F.R. 20.1(a).
B-184852 (1975).

Barbara L. Bayliss, former Government purchasing officer acting as a concerned private citizen, protested small business set-aside for coal subcontracting. Under regulations, protester was not "interested party," and could not protest propriety of the set-aside. (DJM)

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DECISION



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

*P.L. II
Baker*

FILE: B-188751

DATE: July 6, 1977

MATTER OF: Barbara L. Bayliss

DIGEST:

Former Government purchasing agent, who does not represent any concern participating in questioned procurement but is acting essentially as a concerned private citizen, is not an "interested party," pursuant to 4 C.F.R. 20.1(a) (1976), to protest propriety of set-aside under Section 8(a) of the Small Business Act.

Mrs. Barbara L. Bayliss has protested the award of any contract to the Colorado-Tennessee Mining Company, Inc. (Colorado-Tennessee) under Invitation for Bids (IFB) DSA600-77-B-0104. The referenced IFB was issued by the Defense Supply Center, Alexandria, Virginia, for the supply of an estimated quantity of 112,950 tons of coal to be supplied to specified locations in Washington, D.C. Thereafter, approximately 52,000 tons were withdrawn and set aside for procurement from the Small Business Administration (SBA) pursuant to Section 8(a) of the Small Business Act. SBA has indicated that its proposed subcontractor is Colorado-Tennessee.

Mrs. Bayliss requests our Office to determine: 1) the responsibility of Colorado-Tennessee as a proposed subcontractor to the SBA; 2) the extent to which a proposed Section 8(a) subcontractor must be actively involved in the production of an item offered under a proposed contract; 3) the extent to which the SBA is required to investigate requests for support from contractors under the Section 8(a) Program.

A threshold question which we must answer is whether Mrs. Bayliss is an "interested party" so as to permit consideration of her protest. The Bid Protest Procedures for this Office provide that a party must be "interested" in order that its protest might be considered. 4 C.F.R. 20.1(a) (1976). Generally, in

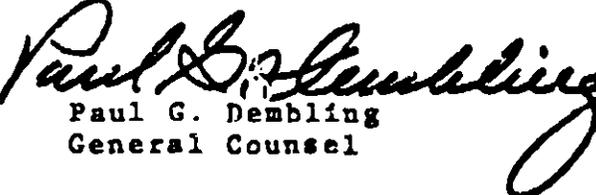
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determining whether a protester satisfies the interested party criterion, consideration should be given to the nature of the issues raised and the direct or indirect benefit or relief sought by the protester. See Kenneth R. Bland, Consultant, B-184852, October 17, 1975, 75-2 CPD 242.

Mrs. Bayliss has identified herself as a former purchasing agent for the Government. She purports to protest in behalf of four classes of people: 1) coal producers who have historically supplied the Government's requirements; 2) labor surplus area employees working for such producers; 3) Government employees dependent upon proper supply of GSA coal requirements; 4) Defense Fuel Supply Center procurement personnel. However, Mrs. Bayliss is not a member of any of these classes of people, and the record does not indicate that she has been chosen by them to protest in their behalf. The most that may be said about Mrs. Bayliss' position is that she is a private citizen concerned with the adequate supply of coal to the Government.

Mrs. Bayliss' interest in the issue raised (propriety of a set-aside under Section 8(a) of the Small Business Act) and the benefit sought (a reliable source of supply of coal to the Government) is not sufficient to consider her an "interested party" within the meaning of that term as used in our Bid Protest Procedures, supra.

Thus, we will not consider the protest further.


Paul G. Dembling
General Counsel