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DECISION



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

FILE: B-190479

DATE: November 21, 1977

MATTER OF: Infodata Systems, Inc.

DIGEST:

Where offeror actively opposes protest by its proposed subcontractor and protest is based on issues related to selection of the prime contractor, protest is dismissed because issues are not raised by "interested party" within Bid Protest Procedures.

Infodata Systems, Inc. (Infodata) has filed a protest against a contract award to Data Base Management, Inc. under Request for Proposals 80-77-HEW-OS, issued by the Department of Health, Education, and Welfare, for "support for the BEOG Computer System Program Information and Monitoring System (PIMS)."

The protester contends that both the awardee and its subcontractor do not have sufficient personnel or financial resources to perform. In addition, the protester believes that the awardee may have enjoyed a competitive advantage in that the systems analysis applicable to the requirements of the instant solicitation also was required under another HEW contract with Data Base Management. Thus, the protester asserts that the awardee had the ability to obtain information required for a response to this solicitation while fulfilling a contractual requirement. Finally, the protester complains that the awardee was not identified as an incumbent contractor and its work was not reviewed at the preproposal conference as was the case for other incumbent contractors.

Infodata did not directly participate in this procurement as an offeror, but was a proposed subcontractor for Value Engineering Company (Value). Value has reviewed the protest filed by Infodata and by letter, dated October 28, 1977, advised our Office:

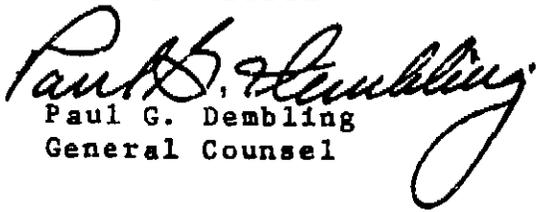
B-190479

"Although we were not the successful offeror, we believe the procurement was conducted in accordance with appropriate procurement regulations. Accordingly, it is our opinion that the subject protest should be disregarded."

In the recent case of Elec-Trol, Inc., B-188959, June 20, 1977, 77-1 CPD 441, 56 Comp. Gen. ____, we considered the extent to which prospective subcontractors were qualified to protest as "interested parties" within the meaning of our Bid Protest Procedures, 4 C.F.R. § 20.1(a) (1977). We noted that, where there is a possibility that recognizable interests would be inadequately protected if our bid protest forum was restricted to offerors in individual procurements, we would recognize the rights of non-offerors, including proposed or possible subcontractors, to have their protests considered on the merits. Abbott Power Corporation, B-186568, December 21, 1976, 76-2 CPD 509; District 2, Marine Engineers Beneficial Association--Associated Maritime Officers, AFL-CIO, B-181265, November 27, 1974, 74-2 CPD 298; B-177042, January 23, 1973, 49 Comp. Gen. 9 (1969). On the other hand, we recognized an offeror's right to allow its offer to expire and to commit its resources elsewhere in reliance on an adverse agency determination. Elec-Trol, Inc., *supra*.

In the instant case, the bases for Infodata's protest are not specifically related to its qualification as a prospective subcontractor, but are primarily relevant to Value's entitlement to the prime contract award. Under the circumstances, we believe that legitimate, recognizable interests are adequately protected by limiting the class of parties eligible to protest these issues to parties who have submitted offers. In view of the fact that neither Value nor any other offeror has expressed dissatisfaction with the conduct of this procurement, we do not consider this protest to have been filed by an interested party within the meaning of our Bid Protest Procedures.

Accordingly, the protest is dismissed.


Paul G. Dembling
General Counsel