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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548*[Protest of Refusal By Contracting Officer to Extend
Bid Opening Date]*

FILE: B-195493

DATE: October 22, 1979

MATTER OF: Space Services

DIGEST:

Large business protester, alleging that contracting officer did not extend bid opening date on small business set-aside in order to permit protester opportunity to negotiate new contract with employees' union before bidding, is not "interested party" under section 20.1(a) of the GAO Bid Protest Procedures. Issue raised by protester is extraneous to small business set-aside restriction under which protester was excluded from competition. Thus, protest is dismissed.

CNG-2231

AOC 35

Space Services protests under invitation for bids No. F48608-79-B-0018, a 100-percent small business set-aside, issued by the Department of the Air Force on May 22, 1979. Space Services alleges that the contracting officer refused to extend the bid opening date in order to allow Space Services to complete negotiation of a new contract with the union representing Space Services' employees. Thus, Space Services argues that it was precluded from bidding because it would have to guess what the new negotiated rate would be during the performance period of the contract.

The Air Force argues that Space Services is not an interested party under our Bid Protest Procedures since Space Services has been determined to be a large business by the Small Business Administration, Region IV, Atlanta, Georgia. The Air Force contends that this protest should be dismissed because Space Services was not eligible to compete for this small business set-aside. We gave Space Services an opportunity to respond regarding its interest in this procurement. Space Services responded, but did not respond to the Air Force argument for dismissal.

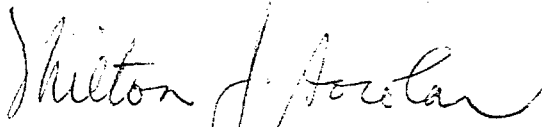
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Our Bid Protest Procedures require that a protesting party have some legitimate interest in the procurement before our Office will consider the protest. 4 C.F.R. § 20.1(a) (1979); Aydin Vector Division, B-192431, November 2, 1978, 78-2 CPD 316. A protester may well be viewed as possessing a sufficient interest in the award selection even though the protester may not or does not choose to bid on the procurement, as for example, protests considered by this Office which were filed by a labor union, a contractors' association, and a Chamber of Commerce. Generally, in determining whether a protester satisfies the interested party criterion, consideration should be given to a variety of factors, such as the nature of the issues raised and the direct or indirect benefit or relief sought by the protester. This serves to insure the protester's diligent participation in the protest process so as to sharpen the issues and provide a complete record on which the propriety of the procurement will be judged. See Coleman Transfer and Storage, Inc., B-182420, October 17, 1975, 75-2 CPD 238, and cases cited therein.

We conclude that Space Services is not an interested party within the meaning of section 20.1(a) of our Bid Protest Procedures. Space Services was not eligible to bid under the protested IFB because the procurement was exclusively set aside for small business participation, and Space Services' protest relates to a matter which is extraneous to the eligibility requirement under which Space Services was excluded from the competition. Coleman Transfer and Storage, Inc., supra.

For the above reason, the protest is dismissed.



Milton J. Socolar
General Counsel