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DECISION

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

FILE: B-202517.3

DATE: June 26, 1981

MATTER OF: Whitey's Welding and Container Repair,
dba Richmond Drydock and Marine Repair

DIGEST:

1. Bidder found to be nonresponsible is not "interested" party under Bid Protest Procedures to protest award to next low bidder where it does not appear that circumstances would lead to cancellation and resolicitation of procurement.
2. Claim for bid preparation costs is not for consideration where protest is not considered on merits.

Whitey's Welding and Container Repair, dba Richmond Drydock and Marine Repair (Whitey), protests the award of a contract to Braswell Shipyard, Inc. (Braswell), under invitation for bids (IFB) No. N00033-81-B-0002 issued by the Department of the Navy, Military Sealift Command (Navy), for overhaul and civilian modification conversion of the USNS Kilauea.

The Navy declined to make award to Whitey in view of the fact that Whitey was determined to be nonresponsible. The determination was forwarded to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC). By letter dated May 8, 1981, the SBA declined to issue a COC. Our Office refused to review Whitey's protest concerning the SBA and its decision not to issue a COC. See Whitey's Welding and Container Repair, dba Richmond Drydock Marine Repair, B-202517.2, June 1, 1981, 81-1 CPD _____.

Whitey is not eligible to maintain a protest under the instant solicitation. A party must be "interested" under our Bid Protest Procedures, 4 C.F.R. part 20 (1980), in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status

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in relation to the procurement (e.g., prospective bidder; bidder eligible for award; bidder not eligible for award; nonbidder), the nature of the issues involved, and the direct or indirect benefit or relief sought by the protester. See de Weaver and Associates, B-200541, January 6, 1981, 81-1 CPD 6.

Even if we were to assume arguendo that Braswell's bid was nonresponsive, there are five other bidders to whom an award could be made under the IFB. There is nothing in the record to indicate, nor does Whitey allege, that each of the remaining bidders is ineligible for award. Where a protester has been determined ineligible for an award and it does not appear that circumstances would warrant cancellation and resolicitation of the procurement (thereby permitting the protester to rebid), the potential benefit to the protester is intangible and indirect and that party generally will not be considered sufficiently interested to maintain the protest. de Weaver and Associates, supra.

Whitey also has requested reimbursement for the time and money expended in preparation of its bid. Where our Office has dismissed a protest and not considered the merits, the claim for bid preparation costs is not for consideration. Allied Carpetmaster, Inc., B-199169, November 5, 1980, 80-2 CPD 337.

Accordingly, the protest and claim are dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel