

DECISION

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

2324

FILE: B-208557.2

DATE: September 30, 1982

MATTER OF: Radix II Incorporated

DIGEST:

GAO will not consider a protest raised by a potential supplier to several disappointed bidders since the protest generally challenges the propriety of the procuring agency's rejection of certain bids as nonresponsive and thus the protester, who is ineligible for award, is not an interested party under GAO Bid Protest Procedures.

Radix II Incorporated protests the award of a contract to Achison & Kelly, Inc., for an energy monitoring and control system under solicitation No. N62477-79-B-0454, issued by the Naval Facilities Engineering Command. Radix, who appears to be a potential supplier to several disappointed bidders, principally contends that the Navy improperly rejected as nonresponsive seven bids that were priced lower than Achison's. We dismiss the protest.

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest allegations. 4 C.F.R. § 21.1(a)(1982). Whether a party is sufficiently interested depends upon the degree to which its interest in the outcome is both established and direct. In general, we will not consider a party's interest to be sufficient where that party would not be eligible for award, even if the issues raised were resolved in its favor. See, e.g., Interscience Systems, Inc.; Amperif Corporation, B-201943, B-202021, August 31, 1982, 82-2 CPD ____.

Radix's protest generally challenges the propriety of the Navy's rejection of certain bids as non-responsive. Radix, however, is not a bidder here. Since Radix is not eligible for award, it is the disappointed bidders and not Radix who have a

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direct interest in the outcome of this protest. This is the case even though the bids of the disappointed bidders may have been rejected for offering nonconforming items supplied by Radix. Thus, we will not consider Radix's protest because that firm is not an interested party. See Peter L. Merkel/Data General, Inc., B-204012, September 10, 1981, 81-2 CPD 210.

Harry R. Van Cleve
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Acting General Counsel