

DECISION



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

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FILE: B-208623

DATE: October 21, 1982

MATTER OF: A&B Wipers Supply, Inc.

DIGEST:

1. GAO does not review appeals of debarment proceedings.
2. Protester, on General Services Administration's Debarred Bidders' List, prior to bid opening, is not an "interested party" under our Bid Protest Procedures since debarment renders the protester ineligible for award. Therefore, the protest is dismissed.

A&B Wipers Supply, Inc. (Wipers), protests denial of an award under solicitation No. 9FCC-OKE-A-A0640/82 issued by the General Services Administration (GSA). The solicitation is a multiple-award Federal Supply Schedule contract for janitorial cleaning cloths.

The protest is dismissed.

Wipers notes that it has been debarred from contracting with the Government. According to Wipers, the debarment was by imputation of actions of the firm's secretary-treasurer and without the necessary supporting evidence or findings that the impropriety committed was with the knowledge or approval of Wipers' corporate officers. Wipers also asserts that it was not given adequate notice or a reasonable opportunity to respond to the imputation charges.

The protested solicitation was issued on May 4, 1982, and bids were opened on June 4, 1982. Nine days prior to bid opening, GSA temporarily suspended Wipers for failing to disclose that supplies tendered to the Government for acceptance had been previously rejected. GSA had proposed a 2-year debarment of the company, but the proposed duration was increased to 3 years on June 17, 1982, when GSA learned that an officer, part

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owner and operator of Wipers, had been convicted of making false statements and mail fraud. On June 30, 1982, the GSA Board of Contract Appeals sustained the debarment. Wipers requested reconsideration of that decision and on July 19, 1982, the board denied the request.

The Federal Procurement Regulations (FPR), subpart 1-1.6, Debarred, Suspended and Ineligible Bidders, set forth, among other things, the procedural requirements relating to the imposition of debarment. See FPR § 1-604.1 (1964 ed., amend. 108). Essentially, the debarment action is initiated with written notice advising the party that such is being considered, the reasons for the action, and notice of the party's right to a hearing. As noted above, GSA gave Wipers notice of the proposed debarment action and an opportunity to be heard on the proposed debarment as required by the applicable regulations. A&B availed itself of the hearing and appeal rights. GAO does not review appeals of debarment proceedings.

Our Bid Protest Procedures, section 21.1(a) (1982), require that a protesting party have some legitimate interest in the procurement action before this Office will consider the protest. Wipers is not an "interested party" since it was placed on the debarred bidders' list prior to bid opening and, therefore, is precluded from any possibility of award under the instant solicitation. See Computer Sciences Corporation, B-200755, March 6, 1981, 81-1 CPD 181.

Accordingly, the protest is dismissed.

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