

24452

DECISION



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

FILE: B-210252

DATE: March 8, 1983

MATTER OF: Anderson Hickey Company

DIGEST:

GAO will not consider a protest by a potential supplier to an unsuccessful offeror since the protest generally challenges the propriety of the procuring activity's rejection of the offeror's offer as nonresponsive and, thus, the protester, who is ineligible for award, is not an interested party under GAO Bid Protest Procedures.

Anderson Hickey Company (Anderson Hickey) protests the award of a contract for several items under negotiated solicitation No. FNP-AL-1373-N-9-20-82, issued by the General Services Administration (GSA), for steel desks, credenzas and tables.

We dismiss the protest.

Anderson Hickey was a potential supplier for Max Blau & Sons, Inc. (Blau), which submitted the offer in response to the solicitation. On September 20, 1982, samples supplied by Anderson Hickey were submitted in connection with the Blau offer. On October 15, 1982, GSA issued an amendment in connection with the design of the desks. The closing date for receipt of best and final offers under the amended solicitation was October 27, 1982. Blau submitted its offer, accompanied by Anderson Hickey samples, on October 27, 1982. Blau was low on items 9 and 12-15. However, its offer was rejected because the samples did not comply with the specifications. On November 8, 1982, Blau protested the rejection. On December 9, 1982, awards for all the items except one were made to three other firms, and GSA denied Blau's protest.

Anderson Hickey filed a protest with our Office, contending that the October 15 amendment would limit the number of companies that could submit an offer in response to the solicitation. Anderson Hickey also contends that the amendment did nothing more than add an aesthetic requirement

024809

and did not affect quality or performance standards. The protester concludes that rejection of the Blau offer was improper.

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 Interscience Systems, Inc.; Amperif Corporation, B-201943, B-202021, August 31, 1982, 82-2 CPD 187.

Anderson Hickey's protest generally challenges the propriety of GSA's rejection of Blau's offer. However, Anderson Hickey was not an offeror. Therefore, it was not eligible for award. Only Blau would have a direct interest in the outcome of this protest, even though Blau's offer was rejected for offering nonconforming items supplied by Anderson Hickey. Moreover, Blau has not protested here. Thus, we will not consider Anderson Hickey's protest because the firm is not an interested party. See Radix II Incorporated, B-208557.2, September 30, 1982, 82-2 CPD 302, affirmed, B-208557.3, November 29, 1982, 82-2 CPD 484.

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