

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

FILE: B-212271

DATE: July 26, 1983

MATTER OF: Del-Tex, Inc.

DIGEST:

GAO will not consider a protest by a potential supplier to unsuccessful offerors where the protest generally challenges the propriety of the procuring activity's rejection of certain offerors as nonresponsible under one solicitation and the rejection of offers as technically unacceptable under another solicitation, since the protester, who is ineligible for award, is not an interested party under GAO Bid Protest Procedures.

Del-Tex, Inc. (Del-Tex), protests the rejection of the two lowest offerors under requests for proposals (RFP) Nos. 83-015 and 83-033, for sucker rods, issued by Williams Brothers Engineering Company (Williams), the prime contractor responsible for operations of the Naval Petroleum Reserve for the Government. Del-Tex, apparently a potential supplier to these unsuccessful offerors, contends that Williams improperly rejected the offers under RFP 83-015 as nonresponsible because Del-Tex, the supplier of the item offered, was currently undergoing reorganization under chapter 11 of the Bankruptcy Code, and rejected offers under RFP 83-033 as technically unacceptable because they did not conform to RFP requirements.

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) (1983). 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. Radix II Incorporated, B-208557.2, September 30, 1982, 82-2 CPD 302, affirmed, B-208557.3, November 29, 1982, 82-2 CPD 484.

Del-Tex's protest generally challenges the propriety of Williams' rejection of certain offerors as nonresponsible

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and the rejection of certain offers as technically unacceptable. Del-Tex, however, is not an offeror here. Since Del-Tex is not eligible for award, it is the unsuccessful offerors, not Del-Tex, who have the direct interest in the outcome of this protest. This is the case even though the offerors may have been rejected for offering items supplied by Del-Tex. Thus, we will not consider Del-Tex's protest because that firm is not an interested party. See Anderson Hickey Company, B-210252, March 8, 1983, 83-1 CPD 235; Radix II, supra.

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