

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

Chalpa

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FILE: B-212490**DATE:** September 30, 1983**MATTER OF:** PhilCon Corporation**DIGEST:**

Where suppliers of underground heat distribution systems must have their systems approved under multiagency prequalification procedures through issuance of a letter of acceptability to be entitled to supply their systems, protester who does not possess a letter of acceptability is not an interested party under GAO Bid Protest Procedures since the protester would not be eligible for award.

PhilCon Corporation (PhilCon) protests any award under Veterans Administration (VA) project No. 531-044. PhilCon, a supplier of underground heat distribution (UHD) systems and a potential subcontractor, contends that the specification requiring a single conduit system is unduly restrictive of competition since it would preclude PhilCon from offering its system.

We dismiss the protest.

The acceptability of UHD systems is determined according to requirements in the Federal Agency Prequalification Procedure for UHD systems. See PhilCon Corp., B-206641; B-206728; B-207421, April 12, 1983, 83-1 CPD 380. The prequalification procedure is administered by the Federal Agency UHD Systems Committee (Committee), which is comprised of representatives of the Army, Navy, Air Force, and Veterans Administration. The Committee issues a letter of acceptability to any supplier whose system satisfies the prequalification criteria, entitling that supplier to furnish its system on projects undertaken by the participating agencies.

We do not reach the merits of the protest because neither the systems of PhilCon nor of PolyCon (for

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which PhilCon serves as an exclusive sales representative) have been granted a Letter of Acceptability.

The Committee issued its only Letter of Acceptability for prequalification of a UHD system to U.S. DuraCon Corporation (DuraCon) on September 25, 1981. PhilCon contends that DuraCon eventually changed its corporate name to PolyCon and, therefore, PolyCon properly displays the Letter of Acceptability at present and that PhilCon may bid on solicitations for UHD systems as PolyCon's sales representative. However, the Committee informed PhilCon that after PittCon Preinsulated Pipes Corporation (PittCon) purchased DuraCon on August 12, 1981, the Committee issued its Letter of Acceptability on September 25, 1981, to DuraCon with the intent that PittCon be the rightful owner of the Letter of Acceptability. The Committee chairman has informed us that indeed PittCon, and not PhilCon or PolyCon, is the rightful owner of the Letter of Acceptability issued to DuraCon. Further, both the Committee and PittCon have informed us that neither PhilCon nor PolyCon has any connection at present with PittCon.

The record before us indicates that PhilCon has neither been issued nor has any connection with the sole Letter of Acceptability issued by the Committee for prequalification of a UHD system. Since PhilCon is not entitled to supply its UHD system on projects undertaken by agencies participating in the prequalification procedure, including the VA, PhilCon is ineligible for award and is not an "interested" party under our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1983), whose protest allegations we will consider. See Anderson Hickey Company, B-210252, March 8, 1983, 83-1 CPD 235.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel