

DECISION



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

FILE: B-213854

DATE: March 26, 1984

MATTER OF: Tate Engineering, Inc.

DIGEST:

1. Firm that did not submit a bid is not an "interested party" qualified to protest award. Unlike successful bidders, who would have been appropriate parties to protest, firm has no direct economic interest at stake.
2. Contractor's compliance with specifications concerns administration of contract, which is not for resolution under GAO Bid Protest Procedures.

Tate Engineering, Inc. protests the award of a contract to Mech-Air, Inc. under invitation for bids No. 86-A-S&F-83, issued by the Department of Agriculture. The contract concerns removal of an old boiler and replacement with a new 60-horsepower boiler at the U.S. National Arboretum. Tate contends that the boiler supplied by Mech-Air, Inc. does not comply with the technical requirements of the specifications. We dismiss the protest.

The report submitted to our Office by the Department of Agriculture indicates that Tate was not one of the eight bidders responding to the invitation. As such, we must view the protester as not having the direct economic interest that is necessary to make it an "interested party" under our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1983), to challenge determinations of technical acceptability. See Bill Conklin Associates, Inc., B-210927, August 8, 1983, 83-2 CPD 177. The direct economic interests at stake here are those of the bidders who participated in the procurement and did not receive the award. If Tate's allegation is true, the unsuccessful bidders are the ones who were harmed, and they would have been the appropriate parties to file a protest with our Office. See Career Consultants, Inc., B-203260.2, November 19, 1981, 81-2 CPD 409.

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To the extent that Tate is contending that Mech-Air, Inc. will not comply with its obligations under the provisions of its contract, the firm is raising an issue of contract administration that is not for resolution under our procedures, which are reserved for determining whether an award or proposed award complies with statutes and regulations. HSQ Technology, B-208557.5, July 11, 1983, 83-2 CPD 69.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel