

DECISION

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

FILE: B-214641

DATE: July 24, 1984

MATTER OF: Hertzler Enterprises, Inc., dba
Sandia Die and Cartridge

DIGEST:

Debarred bidder is not an interested party under GAO's Bid Protest Procedures since debarment precludes any possibility of award, therefore rendering resolution of the protest academic.

Hertzler Enterprises, Inc., dba Sandia Die and Cartridge, has protested the Department of Energy's failure to solicit a bid from the firm under invitation for bids (IFB) No. DE-FB04-84AL25988. Hertzler alleges that the agency did not include the firm on the bidders list deliberately and thus prevented it from any opportunity of competing for the subsequent contract award.

On December 9, 1983, Hertzler was debarred for violating the agreements and representations required by the Walsh - Healey Act of June 30, 1936, 41 U.S.C. §§ 35-45 (1982). Accordingly, the firm has been placed on the "Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions," and thus is prohibited from contracting with the government.

Our Bid Protest Procedures require that a protesting party have some legitimate interest in the matter before we will consent to consider the protest. ⁴ C.F.R. § 21.1(a) (1984). Here, Hertzler's debarment precludes the firm from any possibility of an award, even if its protest were to be sustained, therefore rendering resolution of the protest academic. Archie D. Parker, B-206078, Aug. 24, 1982, 82-2 CPD ¶ 172. We will not consider the protest.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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