

DECISION

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

29895

FILE: B-216070 **DATE:** December 3, 1984

MATTER OF: E&S Marine Service, Inc.

DIGEST:

Protest by a firm not in line for the award if the protest were to be sustained is dismissed, since the protester does not have the requisite direct and substantial interest in the contract award to be considered an "interested party" under GAO's Bid Protest Procedures.

E&S Marine Service, Inc., the incumbent contractor, protests the award of a contract to United Ship Repair, Inc. under solicitation No. N00140-84-R-0248, issued by the Department of the Navy. The procurement was for the repair of pumps and motors aboard Navy ships, the work to be performed in two lots. The solicitation provided that the award would be made to the low offeror for each lot. E&S complains that the Navy failed to include evaluation factors other than price in the solicitation, and improperly made the award on the basis of initial proposals without conducting discussions with other firms in the competitive range. E&S also alleges that United Ship Repair is not a responsible contractor, as evidenced by the fact that the firm submitted an unreasonably low offer. We dismiss the protest.

In order to invoke our review authority regarding the conduct of federal government procurements, a protester must have a direct and substantial interest in the contract award to be considered an "interested party" under our Bid Protest Procedures at 4 C.F.R. § 21.1(a) (1984); Lockheed Engineering and Management Services, Inc., B-212858, Dec. 23, 1983, 84-1 CPD ¶ 18. E&S was only the third low offeror for Lot I, and only fifth low for Lot II. Apart from E&S's vague speculations, there is simply no indication that the second low offeror for Lot I, or the second, third, and fourth low offerors for Lot II, would be ineligible for the award in any way, since the solicitation clearly stated that offered price was the

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determinative award criterion. Therefore, we will not consider the issues raised by E&S because the firm is not in line for the award of either lot, and, consequently, is not an "interested party" within the meaning of our Procedures. Donald Harris, Inc., B-214124.2, Mar. 1, 1984, 84-1 CPD ¶ 258. In this circumstance, no useful purpose would be served by granting the firm's request for an administrative bid protest conference.

The protest is dismissed.

Harry R. Van Cleve
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General Counsel