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DECISION



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

FILE: B-218833.2

DATE: May 21, 1985

MATTER OF: Central Air Service, Inc.

DIGEST:

A protester challenging a contract award is not an interested party under GAO Bid Protest Regulations, and its protest thus is dismissed where it would not be in line for award if its protest were upheld.

Central Air Service, Inc. (CAS), protests the contract award under invitation for bids (IFB) No. 815-09 issued by the Department of the Interior (Interior) for five aircraft (airtankers) for use in Alaska.

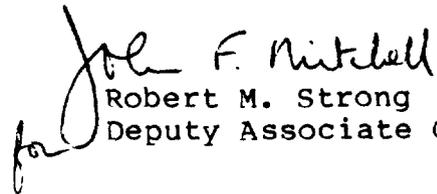
We initially dismissed CAS's protest on May 8, 1985, under section 21.1(f) of our Bid Protest Regulations, 4 C.F.R. § 21.1(f) (1985), because the documents filed by CAS did not state a basis for protest and CAS failed to comply with 4 C.F.R. § 21.1(c)(4), which requires that protests filed with GAO set forth a detailed statement of the legal and factual grounds of protest and include copies of relevant supporting documents. CAS now has submitted a detailed statement of protest and supporting documentation. CAS essentially argues that the low bidder's airplane, a model C-119, does not meet IFB requirements for an airtanker. Based on CAS's detailed submission, we dismiss CAS's protest because CAS is not an interested party to challenge the award to the low bidder under our Bid Protest Regulations.

CAS's submission indicates that CAS initially protested the award of this contract to the contracting agency. Interior dismissed CAS's protest because it determined that CAS was not an interested party to challenge the award. Interior noted that CAS was not the next low bidder under any of the items affected by the protest, that CAS would not have been in line for award if the protest was upheld, and that there was no need to resolicit the requirement.

Under our Bid Protest Regulations, a party must be "interested" before we will consider its protest. 4 C.F.R.

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§ 21.1(a) (1985). A party is not interested if it would not be in line for award should its protest be upheld. Second Source Computers, Inc., B-216735, Jan. 25, 1985, 85-1 C.P.D. ¶ 100; Diesel Energy Systems Co., B-216100, Dec. 12, 1984, 84-2 C.P.D. ¶ 659. Since at least one other bidder lower in price than CAS would remain eligible for award even if CAS's protest against the award to the low bidder were successful, CAS is not an interested party and its allegation regarding the award to the low bidder based on the C-119 aircraft will not be considered.

for  Joe F. Mitchell
 Robert M. Strong
 Deputy Associate General Counsel