

DECISION

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

11/07/04
P-I
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FILE: B-218649

DATE: May 28, 1985

MATTER OF: U.S. Polycon Corp.

DIGEST:

To be considered an interested party so as to have standing to protest under the Competition in Contracting Act of 1984 and the General Accounting Office implementing Bid Protest Regulations, a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. A potential subcontractor on a direct federal procurement cannot be considered an actual or prospective bidder or offeror.

U.S. Polycon Corporation (Polycon) protests invitation for bids (IFB) No. N62467-84-B-2179 issued by the Department of the Navy because the specifications require steel conduit instead of Polycon's nonsteel class "A" conduit. Polycon is a potential supplier and subcontractor.

Under section 2741(a) of the Competition in Contracting Act (CICA) (to be codified at 31 U.S.C. § 3551, et seq.), an interested party is defined as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." This statutory definition of an "interested party" is reflected in the language of our Bid Protest Regulations which implement the CICA. 4 C.F.R. § 21.0(a) (1985). Accordingly, with respect to all bid protests filed on or after January 15, 1985, the effective date of subtitle "D" of the CICA, only protests involving a direct federal procurement filed by a party that comes within the statutory definition of an interested party can be considered. Thus, our Office will no longer consider subcontractor protests except where the subcontract is by or for the government. 4 C.F.R. § 21.3(f)(10) (1985).

As a potential subcontractor-supplier, Polycon is not an actual or prospective bidder or offeror on the protested solicitation, and the solicitation does not involve subcontracts by or for the government. Therefore, under the CICA

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and our implementing Bid Protest Regulations, Polycon is not an interested party and its protests will not be considered. Polycon Corporation, B-218304; 218305, May 17, 1985, 64 Comp. Gen. ____, 85-1 C.P.D. ¶ ____.

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel