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DECISION



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

FILE: B-218541 **DATE:** June 3, 1985
MATTER OF: ADB-ALNACO, Inc.

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 manufacturer which supplies equipment to potential bidders or offerors in a federal procurement, but which is not a potential bidder or offeror in its own right, is not an interested party.

ADB-ALNACO, Inc., protests as overly restrictive the specifications of solicitation No. N62864-85-R-0139 issued by the Naval Facilities Engineering Command. The basis for protest is that the solicitation requires the use of a particular manufacturer's products by brand name, part number, and other proprietary specifications which restrict competition to a sole source. The Navy reports that ADB-ALNACO is neither a bidder nor, according to the protester's sales engineer, a prospective bidder; ADB-ALNACO was provided a copy of the Navy's report and has not disputed this statement.

Under 31 U.S.C. § 3551 et seq., as added by section 2741(a), of Pub. L 98-369, title VII (the Competition in Contracting Act of 1984 (CICA)), 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 the 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 this authority, only protests involving a direct federal procurement filed by a

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party that comes within the statutory definition of an interested party can be considered. See PolyCon Corp., B-218304; B-218305, May 17, 1985, 64 Comp. Gen. ____, 85-1 CPD ¶ ____. Under CICA and our implementing Bid Protest Regulations, ADB-ALNACO's interest as a manufacturer of equipment to be supplied to potential bidders is not sufficient for it to be considered an interested party.

We dismiss the protest.



Robert M. Strong
Deputy Associate General Counsel