

DECISION



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

FILE: B-220203 **DATE:** October 30, 1985
MATTER OF: Zinger Construction Company, Inc.

DIGEST:

Where third low bidder protests award to any other firm on the basis that its price modification mailgram was late due to government mishandling, the protest is dismissed since protester is not eligible for award with or without timely receipt of price modification. Therefore, under our Bid Protest Regulations, the protester cannot be considered an "interested party."

Zinger Construction Company, Inc. (Zinger), protests the award of a contract to any other firm under invitation for bids (IFB) No. N62472-84-B-0665, issued by the United States Naval Facilities Engineering Command (NAVFAC). The protester contends that its price modification mailgram was received late at the office designated for receipt of bids because of mishandling by government personnel. We dismiss the protest because under our Bid Protest Regulations Zinger is not eligible to maintain this protest. 4 C.F.R. § 21.1(a) (1985).

We have been advised by NAVFAC that at bid opening on September 4, 1985, the relative standing of bidders was:

Stagg Electric	\$110,340
Sparango General	184,000
Zinger Construction	208,000
Agency Construction	239,545

According to NAVFAC, had Zinger's price reduction of \$59,200 been accepted as timely received, Zinger would be the second low bidder with a bid of \$148,800.

Under our regulations a party must be an "interested party" in order to have its protest considered by our Office. Whether a party is sufficiently interested involves consideration of the party's status in relation to the procurement and the issues involved. Therm-Air Mfg. Co., Inc., 59 Comp. Gen. 255 (1980), 80-1 C.P.D. ¶ 119. A party will not be deemed interested where it would not be in line for award if its protest were sustained. See Pluribus Products Inc., B-210444, Mar. 7, 1983, 83-1 C.P.D. ¶ 226. Here, the record shows that Zinger would not be in line for award with or without timely receipt of its price modification. Moreover, Zinger has not alleged that Stagg Electric's bid was nonresponsive nor asserted any other reason why Stagg Electric would not be eligible for the award. As a result, Zinger does not qualify as an interested party under our regulations. See Second Source Computers, Inc., B-216735, Jan. 25, 1985, 85-1 C.P.D. ¶ 100.

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel