



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The International Brotherhood of Firefighters and Oilers,
Local 1200; International Association of Machinists and
Aerospace Workers, Arsenal Lodge 81

File: B-222649.2; B-222649.3

Date: July 11, 1986

DIGEST

1. A union local is not an interested party eligible to maintain a protest before GAO since it is not an actual or prospective bidder or offeror under the solicitation involved.
2. GAO has no authority to decide what information an agency must disclose under the Freedom of Information Act.

DECISION

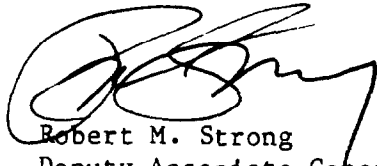
The International Brotherhood of Firefighters and Oilers, Local 1200, and the International Association of Machinists and Aerospace Workers, Arsenal Lodge 81, protest the Department of the Army's refusal, in response to requests under the Freedom of Information Act (FOIA), to provide access to certain parts of a management study undertaken in connection with request for proposals No. DAAA08-85-R-0053. Apparently, the Army is using the solicitation for purposes of comparing the cost of contracting for certain services with the cost of performing them in-house. We dismiss the protests.

Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551(2) (Supp. II 1984), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1986), a protest may be brought only by an "interested party," defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract involved. Here, the protesters, union locals, are not actual or prospective bidders or offerors under the cited solicitation. Consequently, the protesters are not interested parties eligible to maintain protests before our Office. National Federation of Federal Employees Local 2049, B-220838, Oct. 23, 1985, 85-2 C.P.D. ¶ 454.

In any event, this Office does not have jurisdiction to decide what information an agency must disclose under FOIA. Rather, a protester's recourse is to pursue the disclosure remedies under the procedures provided by the statute itself. LaBarge Products, 64 Comp. Gen. 828 (1985), 85-2 C.P.D. ¶ 270.

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The protests are dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Deputy Associate General Counsel