



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Alfa-Laval, Inc.
File: B-224330
Date: November 5, 1986

DIGEST

Protest by the third-low offeror against award to the low offeror is dismissed, since second-low offer was found technically acceptable and protester, who has not contested that finding, thus would not be next in line for award if its protest were sustained.

DECISION

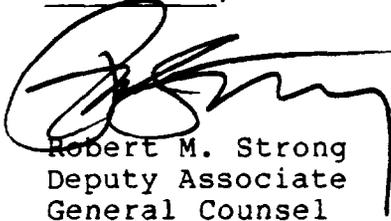
Alfa-Laval protests the award of a contract to Pennwalt Corporation under request for proposals (RFP) No. N00174-86-R-0082, issued by the Naval Supply Systems Command for an industrial disc bowl centrifuge for processing explosive compounds. Alfa-Laval alleges that the Pennwalt's centrifuge does not conform to the specifications.

We dismiss the protest on grounds that Alfa-Laval is not an interested party under our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a), 21.1(a) (1986).

The RFP stated that award would be made to the responsible offeror whose offer conforming to the solicitation was most advantageous to the government, cost or price and other factors considered. Three offerors responded to the solicitation: Pennwalt, Dorr-Oliver, Inc., and Alfa-Laval. The Navy found all three proposed centrifuges technically acceptable, and awarded a contract, without discussions, to Pennwalt, the low responsible offeror.

Alfa-Laval argues that Pennwalt's proposed centrifuge does not conform to the specifications of the RFP which, it asserts, require a unit with a capability 50 percent greater than the Alfa-Laval centrifuge model AVCO-3, and a clarifying ability equal to that unit. The firm also contends that the Navy's technical evaluation was based on misleading data supplied by Pennwalt.

The record shows that Alfa-Laval would not be in line for award even if we sustained its protest. Pennwalt's offer was \$85,415, followed by Dorr-Oliver's offer, and then the protester's offer of \$207,300. Alfa-Laval, made aware of the standings by the Navy's response to its bid protest, has not contested the technical acceptability of the second-low offer, and this offer would be eligible for acceptance if Pennwalt were eliminated from the competition. In these circumstances, Alfa-Laval is not an interested party to protest under our Regulations, since its direct economic interest would not be affected by our decision on the merits, and we therefore will not consider its protest. Eastman Kodak Co., B-220646, Jan. 31, 1986, 86-1 C.P.D. ¶ 113.



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