



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Charles J. Dispenza & Associates

File: B-224524

Date: December 3, 1986

DIGEST

Where protester would not be next in line for award of contract were its protest sustained, firm is not an interested party eligible to protest cancellation of solicitation and protest, therefore, is dismissed.

DECISION

Charles J. Dispenza & Associates protests the cancellation of Defense Logistics Agency (DLA) invitation for bids (IFB) No. DLA400-86-B-6875, for one roll-over type laundry drying tumbler. DLA canceled the IFB after bid opening because it determined that a pass-through type dryer also would meet its needs, and that the IFB therefore was unnecessarily restrictive. Dispenza contends that the cancellation of the IFB 4 months after bid opening was arbitrary and capricious.

Under our Bid Protest Regulations, if a bidder would not be next in line for award of the contract in question were the protest upheld, the bidder is not an "interested party" eligible to pursue the protest. 4 C.F.R. § 21.0(a) and 21.1(a) (1986). DLA reports that two bidders--Dispenza and A. Goodman & Co.--offered roll-over type dryers. Since Goodman's price (\$57,023) was lower than Dispenza's (\$57,075), Goodman, not Dispenza, would be next in line for the award were the protest sustained. Dispenza therefore is not an interested party.

The protest is dismissed.

Robert M. Strong
Deputy Associate
General Counsel