



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: St. Angelo East Coast Furniture Renewal, Inc.
File: B-225320
Date: December 19, 1986

DIGEST

1. Protest by firm not in line for award if the protest were to be sustained is dismissed, since the protester does not have the requisite direct and substantial interest in the contract award to be considered an interested party under GAO Bid Protest Regulations.

2. Protest that agency improperly failed to provide prospective offerors with product information necessary to prepare their proposals filed after the closing date for receipt of initial proposals is untimely.

DECISION

St. Angelo East Coast Furniture Renewal, Inc. (St. Angelo), protests that the Army improperly called for a second round of best and final offers in connection with request for proposals (RFP) No. DAA509-86-R-1810. The RFP solicited seat covers for propulsion seats. St. Angelo, prior to the November 21, 1986, closing date, timely protested that the call for a second round of best and final offers was improper because it was not based on a substantial change in product specifications.

We dismiss the protest.

Under our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1986), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status in relation to the procurement. Wing Manufacturing Simulators Limited, Inc.--Request for Reconsideration, B-213046.3; B-213046.5; B-215091; Aug. 17, 1984, 84-2 C.P.D. ¶ 187.

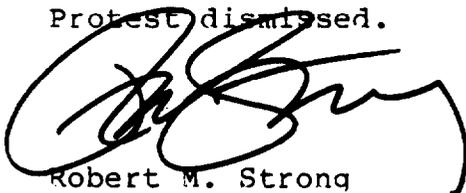
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The Army has advised us that St. Angelo would not be in line for award if its protest is upheld. The Army points out that award is to be made on the basis of the low priced acceptable offeror and St. Angelo is the third low offeror under both best and final offers. As the second round of best and final offers had no effect on St. Angelo's standing as third low offeror and the agency has determined the low offeror technically acceptable and intends to award to that firm, we have no reason to believe that St. Angelo would be in line for award if its protest were sustained. In these circumstances, St. Angelo is not an interested party and, therefore, we will not consider this protest basis. See Unico Inc., B-217135, Mar. 8, 1985, 85-1 C.P.D. ¶ 287.

By letter of December 5, 1986 (received in this Office on December 9, 1986), St. Angelo also protested that the Army improperly failed to provide prospective offerors with information essential to being able to compete. While St. Angelo did submit a proposal, the firm nevertheless maintains that the Army's failure to provide this information resulted in St. Angelo not being able to "fairly compete" in this procurement.

This basis of protest is untimely. Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1), require that protests based on alleged solicitation improprieties which are apparent prior to the closing date for receipt of initial proposals be filed prior to that date. Therefore, if St. Angelo believed that the agency failed to provide information necessary for offerors to submit competitive proposals, it should have protested this matter prior to the October 9, 1986, closing date for initial proposals and its failure to do so renders its protest untimely. See e.g., RCA--Request for Reconsideration, B-222464.2, May 6, 1986, 86-1 C.P.D. ¶ 439; IMODCO, B-216259, Jan. 11, 1985, 85-1 C.P.D. ¶ 32.

Protest dismissed.



Robert M. Strong
Deputy Associate
General Counsel