



The Comptroller General
of the United States

Washington, D.C. 20548

K. S. Melody

Decision

Matter of: National Federation of Federal Employees

File: B-225335.2

Date: February 5, 1987

DIGEST

A union local which represents federal employees is not an interested party eligible to bring a protest because it is not an actual or prospective bidder or offeror under the solicitation.

DECISION

The National Federation of Federal Employees (NFFE) protests the inclusion of Total Exposition Concept, Inc., and Eastern Maintenance and Services, Inc., in the competition for a contract award under invitation for bids (IFB) No. 03-86-B-60041, issued by the Department of Transportation, Federal Aviation Administration (FAA). We dismiss the protest.

The procurement is being conducted pursuant to Office of Management and Budget Circular No. A-76 to determine whether to contract for services or continue performing them in-house with federal employees. NFFE argues that Total and Eastern should not be permitted to compete because they allegedly have threatened not to hire NFFE members if awarded the contract.

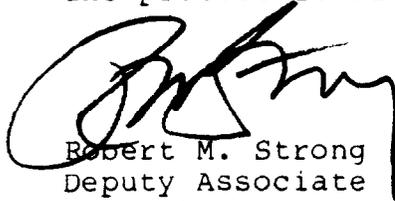
Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551(2) (Supp. III, 1985), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1986), a protest may be brought only by an "interested party," defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract involved. Here, the protester, a union local representing federal employees, is not an actual or prospective bidder or offeror under the solicitation being challenged. As a result, the protester is not an interested party eligible to maintain a protest. National Association of Government Employees Local R7-23, B-221713, Apr. 3, 1986, 86-1 C.P.D. ¶ 322.

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NFFE argues that we should review its protest because the potential bidders on the procurement are not aware of the companies' intentions. Our authority to consider bid protests is defined by CICA, however, and that authority simply does not extend to protests filed by other than an interested party, as that term is defined in the act.

In any case, the propriety of actions that may be taken by a bidder after receiving a contract award are matters of contract administration, which are for consideration by the contracting agency, not our Office. 4 C.F.R. § 21.3(f)(1).

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong", is written over the typed name of Robert M. Strong.

Robert M. Strong
Deputy Associate
General Counsel