



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Louis Stilloe Roofing & Siding, Inc.--
Reconsideration
File: B-225580.2
Date: March 16, 1987

DIGEST

Request for reconsideration of prior decision dismissing a subcontractor protest is denied. Although the protester asserts that its protest should have been considered because the contract award was made by or for the government, the protester would not be in line for award if its protest were upheld, and therefore, is not an interested party to protest in any event.

DECISION

Louis Stilloe Roofing & Siding, Inc. requests that we reconsider our decision to dismiss its protest of the award of a contract to Harris & Avery by the General Electric Corporation (G.E.). The contract is for roofing rehabilitation at a government-owned facility which G.E. administers and operates for the Department of the Air Force. We deny the request for reconsideration.

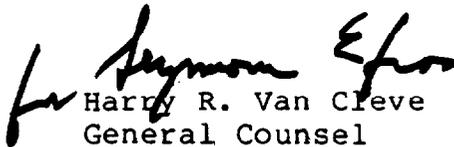
We dismissed Stilloe's original protest under section 21.3(f)(10) of our Bid Protest Regulations, which provides that we will not consider subcontractor protests except where the subcontract is awarded by or for the government. See 4 C.F.R. § 21.3(f)(10) (1986). Stilloe now argues that the award in this case was made for the government and that we therefore should consider the protest on its merits. The agency disputes Stilloe's position and argues that G.E. was not acting for the government in this case.

We find it unnecessary to resolve this dispute concerning whether the contract award was made for the government. We reach this conclusion because the record shows that Stilloe is not an interested party to challenge the contract award in any event. As the Air Force points out, Stilloe was only the third low bidder after Harris and Avery and Weathermaster

Roofing Company. Although Stilloe has alleged that Harris and Avery's bid should have been rejected because the firm failed to provide a required performance bond, the protester has not challenged the acceptability of Weathermaster's bid. Under these circumstances, Weathermaster, not Stilloe, would be in line for award if we sustained the protest. Therefore, Stilloe is not an interested party to protest. Second Source Computers, Inc., B-216735, Jan. 25, 1985, 85-1 CPD ¶ 100.

We find no merit to Stilloe's assertion that it should be considered an interested party because its information indicates that Weathermaster may have to decline the award at this point, or because Weathermaster may not be found "qualified" for the award. These assertions, based solely on supposition, are too tenuous to support a finding that Stilloe is an interested party to challenge the award here. See Automated Services, Inc., B-221906, May 19, 1986, 86-1 CPD ¶ 470.

We therefore deny Stilloe's request that we reconsider our prior dismissal. The record shows that reconsideration would serve no useful purpose as Stilloe is not an interested party to protest in any event.


Harry R. Van Cleave
General Counsel