



The Comptroller General
of the United States

Washington, D.C. 20548

debar

Decision

Matter of: Wilkinson Manufacturing Company

File: B-225810

Date: March 23, 1987

DIGEST

General Accounting Office dismisses protest where debarment proceeding against the protester has been initiated, because pending a debarment decision, the firm is not eligible for award of a government contract.

DECISION

Wilkinson Manufacturing Company protests the award of any contract under invitation for bids (IFB) No. DAAA09-86-B-0323, issued by the Department of the Army's Armament, Munitions & Chemical Command, Rock Island, Illinois, for a quantity of 60 mm (millimeter) mortars. Wilkinson complains that even though it is the incumbent contractor, the agency failed to provide it with a copy of the solicitation before bid opening date. The protester requests that the solicitation be canceled to allow its inclusion in a resolicitation.

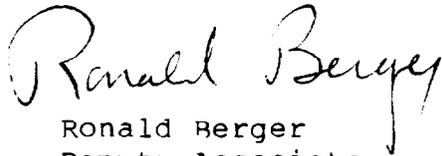
The agency informs us that on February 27, the Army formally initiated debarment proceedings against Wilkinson. Under our Bid Protest Regulations, a protesting party must have some legitimate interest in the matter before this Office will consider the protest. 4 C.F.R. § 21.1(a) (1986). A firm for which debarment proceedings have been initiated is precluded from receiving any government contract awards pending a final debarment decision. An agency may not even solicit offers from such a contractor pending a debarment decision. See Federal Acquisition Regulation, 48 C.F.R. § 9.406-3(c)(7) (1986).

We therefore will not consider Wilkinson's protest on the merits because, even if we were to sustain it, Wilkinson is

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not eligible to receive an award under the protested solicitation. Semtex Industrial Corp., 65 Comp. Gen. 503 (1986), 86-1 CPD ¶ 367.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the typed name and title.

Ronald Berger
Deputy Associate
General Counsel