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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Appletown Food Service and Management Corporation
File: B-225125.2
Date: May 27, 1987

DIGEST

Protest of the rejection of the protester's bid for its failure to acknowledge several solicitation amendments is dismissed because, where the protester is not the low bidder, has not contested the acceptability of the lower-priced bids received, and would not therefore be in line for award even if its protest were upheld, it is not an interested party under General Accounting Office Bid Protest Regulations.

DECISION

Appletown Food Service and Management Corporation protests the rejection of its bid under invitation for bids (IFB) No. F26600-87-B0004, issued by Nellis Air Force Base for mess attendant services. The Appletown bid was rejected as nonresponsive due to that firm's failure to acknowledge several solicitation amendments. Appletown contends that, since it mailed acknowledgments of the amendments to the contracting agency prior to bid opening, its bid should be considered responsive.

We dismiss the protest because Appletown is not an interested party. Our Bid Protest Regulations require that a protester be "an interested party" before we will consider its protest. 4 C.F.R. § 21.1(a) (1986). A protester is not an interested party if it would not be in line for award if its protest were upheld. 4 C.F.R. § 21.0(a); Eastman Kodak Co., B-220646, Jan. 31, 1986, 86-1 CPD ¶ 113, aff'd upon reconsideration, B-220646.2, Mar. 24, 1986, 86-1 CPD ¶ 289. Seven bidders submitted responsive bids that were priced lower than Appletown's bid. Appletown has not contested the acceptability of these seven bids. Since the Appletown bid

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would not, therefore, be in line for award even if we upheld the protest, Appletown is not an interested party entitled to protest.

The protest is dismissed.

Ronald Berger

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