



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: T-L-C Systems--Reconsideration

File: B-225496.2

Date: July 28, 1987

DIGEST

1. Protest is dismissed where protester is not an interested party since it did not submit a proposal, at least one proposal met the solicitation's requirements and thus, the protester would not be in line for award even if its protest were sustained.
2. Request for reconsideration filed more than 10 days after the protester received notice of denial of its protest is dismissed.

DECISION

T-L-C Systems protests the award of a contract to Joslyn Defense Systems under request for proposals (RFP) No. DAAA03-86-R-0059 for a computer based radio signaling fire alarm system for the Army. T-L-C also, in the same document, requests reconsideration of our decision, T-L-C Systems, B-225496, Mar. 27, 1987, 87-1 CPD ¶ 354, in which we denied the firm's protest against the provisions of that RFP. In our prior decision, we rejected T-L-C's arguments that the procurement should have been set aside for small business, that the agency should have solicited sealed bids instead of competitive proposals and that a solicitation requirement that equipment be certified by Underwriters Laboratory (UL) or Factory Mutual (FM) was unduly restrictive of competition. We dismiss the protest and the reconsideration request.

T-L-C protests the award to Joslyn made after our March 27 decision was issued, contending that the equipment proposed by Joslyn is not certified by UL or FM and has not been tested by the Electromagnetic Compatibility Analysis Center. Further, T-L-C also argues that only one of the other four offerors under the solicitation, Monaco Enterprises, proposed to supply equipment which was tested and certified.

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To be considered under our Bid Protest Regulations, a protest must be filed by an "interested party," defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 4 C.F.R. § 21.0(a) (1986). In determining whether a protester is interested, so that it may have its protest considered, we examine the extent to which there exists a direct relationship between the questions raised and the party's asserted interest and the degree to which that interest is established. In general, a party will not be deemed interested where it would not be in line for award, even if its protest were sustained. The Wollongong Group, B-224531, Dec. 18, 1986, 86-2 CPD ¶ 682. Here, T-L-C did not submit a proposal under the RFP and, it admits that at least one offeror, Monaco Enterprises, proposed equipment that is properly tested and certified and, presumably in the protester's view, acceptable.^{1/} Thus, even if we were to sustain T-L-C's protest and recommend that the Army reject the Joslyn proposal, T-L-C would not be in line for award. Accordingly, T-L-C does not have the direct economic interest necessary to make it an interested party under our regulations, and therefore, we will not consider the protest. See Automation Management Corp., B-224924, Jan. 15, 1987, 87-1 CPD ¶ 61.

We also will not consider the reconsideration request because it is untimely. Under our regulations, a request for reconsideration must be filed not later than 10 working days after the basis for reconsideration is known or should have been known, whichever is earlier. 4 C.F.R. § 21.12(b). Here, the grounds for reconsideration should have been known to T-L-C when it received our March 27 decision. Since there is no evidence to the contrary, we assume T-L-C received the decision within 1 calendar week of its issuance, or by April 3. Penn Perry, Inc.--Reconsideration, B-223396.2, July 23, 1986, 86-2 CPD ¶ 100. In order for T-L-C's reconsideration request to have been timely filed, it should have been received at this Office by April 17. Thus, the reconsideration request, filed on June 25, was

^{1/} T-L-C argues that since only one acceptable proposal was received, the solicitation should be canceled and resolicited. As long as the agency determines that the price submitted by a single acceptable offeror under a solicitation is reasonable, the fact that only one acceptable response is received does not prevent award under the solicitation.

untimely. Bruce Rahmani--Reconsideration, B-219312.5,
Jan. 9, 1986, 86-1 CPD ¶ 20.

The protest and the request for reconsideration are
dismissed.


Ronald Berger
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General Counsel