



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Northern Virginia Consultants, Inc.--Request
for Reconsideration
File: B-227787.2
Date: August 24, 1987

DIGEST

Request for reconsideration of dismissal of protest by nonbidding prospective subcontractor is denied because protester is not an interested party under GAO's Bid Protest Regulations.

DECISION

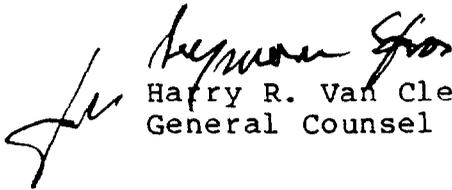
Northern Virginia Consultants, Inc. (NVC), requests that we reconsider our dismissal of its protest against the award of any contract under invitation for bids (IFB) No. GS-11P87MKC2032, issued by the General Services Administration for roofing repair work. We affirm our dismissal.

We dismissed NVC's original protest under our Bid Protest Regulations, 4 C.F.R. § 21.3(f)(10) (1987), which provides that GAO will not consider protests by prospective subcontractors except where the contract is awarded by or for the government.

In its reconsideration request, NVC points out that it is not protesting the subcontractor selection. Rather, NVC is protesting the fact that R. J. Crowley, Inc., the prime contractor who bid for the contract, was rejected for failure to acknowledge an allegedly immaterial amendment to the IFB. NVC is Crowley's prospective subcontractor for some of the work to be performed under the IFB.

Apparently, NVC misunderstands the basis for our dismissal. We did not view the basis of protest as involving subcontractor selection, but a protest by a prospective subcontractor of the award of a government prime contract. As a nonbidding prospective subcontractor, NVC is not an interested party within the definition of the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (Supp. III 1985), and our Bid Protest Regulations. Under CICA, as

implemented by section 21.0(a) of our regulations, our Office only decides protests filed by an interested party, which is defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract. Since NVC did not bid on the IFB it does not qualify as an interested party under CICA or our regulations. Microrim, Inc.--Request for Reconsideration, B-225525.2, Jan. 14, 1987, 87-1 C.P.D. ¶ 58.


Harry R. Van Cleve
General Counsel