



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Photosonic, Inc.
File: B-225043.5
Date: October 20, 1987

DIGEST

1. Protest is dismissed where the record shows that protester, as third low bidder, would not be in line for award even if the protest was sustained.
2. A firm that manufactures a product that would be supplied by second low bidder is not an interested party since only an actual or prospective offeror in line for award is an interested party eligible to protest under GAO's Bid Protest Regulations.

DECISION

Photosonic, Inc., protests the award of a contract under invitation for bids (IFB) No. DMA800-87-B-0038 issued by the Defense Mapping Agency (DMA) for two ultrasonic rack cleaners. Photosonic alleges that the awardee's product does not meet the contract's specifications.

We dismiss the protest because Photosonic is not an interested party as required under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(a) (Supp. III 1985), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1987).

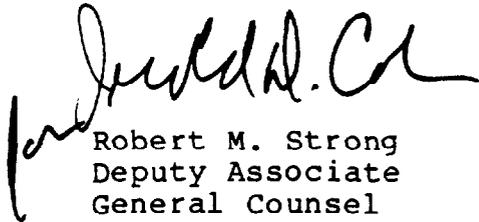
Both CICA and our Regulations define an interested party as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract. We have held that a party does not have the necessary economic interest where there are other intervening bidders or offerors that would be in line for award if the awardee were eliminated from the competition. Alfa-Laval, Inc., B-224330, Nov. 5, 1986, 86-2 C.P.D. ¶ 520.

DMA reports that Photosonic is the third-low evaluated bidder and that even if the protest is sustained, the second-low bidder would be next in line for award. In response, Photosonic argues that it does have a direct economic interest because the second-low bidder is its direct dealer and was offering its Photosonic system.

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Photosonic's interest as a manufacturer of the product to be supplied by the second low bidder is not sufficient for the protester to be considered an interested party under CICA and our Regulations because an interested party must be an actual bidder in line for award if the protest were sustained. The Wollongong Group, B-224531, Dec. 18, 1986, 86-2 C.P.D. ¶ 682.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel