



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Pyrotector, Inc.  
File: B-230102, B-230104  
Date: March 25, 1988

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### DIGEST

Prospective subcontractor who protests restrictive specification is not an interested party under General Accounting Office's Bid Protest Regulations, since it is not a prospective offeror under the solicitation.

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### DECISION

Pyrotector, Inc. protests any award under invitation for bids (IFB) No. DACA33-88-B-0006 (IFB 0006) and IFB No. DACA33-88-B-0001 (IFB 0001) issued by the U. S. Army Corps of Engineers, New England Division, for construction work at Westover Air Force Base in Chicopee Falls, Massachusetts. Pyrotector protests that both solicitations contain restrictive specifications which preclude the protester from participating in the procurements.

We dismiss the protest.

The agency issued IFB 0001 on September 2, 1987, for the construction of a 94,000 square foot aircraft hangar. The bid opening date was extended by amendments to February 11, 1988. The agency issued IFB 0006 on December 3, 1987, for the upgrading of an existing hangar, the construction of a new fire station, and alteration of an existing squadron operations building. The bid opening date was extended by amendments to February 18, 1988. Bids have now been opened for both projects and the protester did not submit a bid under either IFB. On January 28 Pyrotector filed a protest with our Office alleging that the specifications for the fire detection and alarm system contained in both solicitations were unduly restrictive of competition.

Specifically, Pyrotector alleges that the requirement that the optical flame detector of the fire detection and alarm system be a combination ultraviolet/infrared (UV/IR) device is restrictive of competition and will not allow Pyrotector to participate in the procurement. Pyrotector is a

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manufacturer of IR optical flame detectors and has submitted documentary evidence to our Office which allegedly substantiates its claim that its product is superior to the UV/IR requirement set forth in the subject solicitations. Pyrotector states that both solicitations should be written to allow bidders to also furnish a its IR system.

Under the Competition in Contracting Act of 1984 (CICA), this Office only decides protests filed by an "interested party," which CICA defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." 31 U.S.C. § 3551(2) (Supp. III 1985); 4 C.F.R. § 21.0(a) (1987); Environmental Systems Research Institute, B-219797, Oct. 23, 1985, 85-2 CPD ¶ 449. Prospective subcontractors or suppliers do not have the requisite interest to be considered an interested party to protest under CICA since they are not prospective or actual offerors. Microrim, Inc.--Request for Reconsideration, B-225525.2, Jan. 14, 1987, 87-1 CPD ¶ 58; Environmental Systems Research Institute, B-219797, supra.

The agency report indicates that Pyrotector's interest in the subject procurements is as a potential subcontractor. Pyrotector does not rebut the agency's position. Pyrotector does not indicate that it intended to bid on the entire work under either IFB. The fire detection and alarm system requirement which it contests is a relatively minor portion of a multi-million dollar procurement. Under the subject solicitations a prime contractor would have to do much more than simply furnish optical flame detectors, which apparently is the only function Pyrotector can perform. Thus, Pyrotector is not eligible to protest these procurements, since our Office is precluded by the terms of CICA from reviewing protests by potential subcontractors. See Julie Research Laboratories, Inc., B-219370, Aug. 16, 1985, 85-2 CPD ¶ 185, aff'd, B-219370.2, Sept. 17, 1985, 85-2 CPD ¶ 294.

The protest is dismissed.



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