



The Comptroller General  
of the United States

Washington, D.C. 20548

*Gilbody*

## Decision

Matter of: Airtrans, Inc.

File: B-231047

Date: May 18, 1988

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### DIGEST

Protest by firm not in line for the award if the protest were to be sustained is dismissed, since the protester does not have the requisite direct and substantial interest in the contract award to be considered an interested party under General Accounting Office Bid Protest Regulations.

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### DECISION

Airtrans, Inc., protests the award of a contract to Cooper Aviation Supply (Cooper) under request for proposals (RFP) No. DAAJ09-88-R-0481, issued by the United States Army Aviation Systems Command (Army) for fuel samplers.

We dismiss the protest.

Three proposals, including Airtrans and Cooper's, were received in response to the RFP. Airtrans contends that the fuel sampler offered by Cooper does not meet the RFP's specifications.

The Army argues that Airtrans is not an interested party to protest the award because Airtrans is the third low offeror and would not be in line for award even if its protest is upheld. According to the Army, the second low offeror was expected to provide the Airtrans fuel sampler if awarded the contract.

Under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status in relation to a procurement. Where there are intermediate parties that have a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our Bid

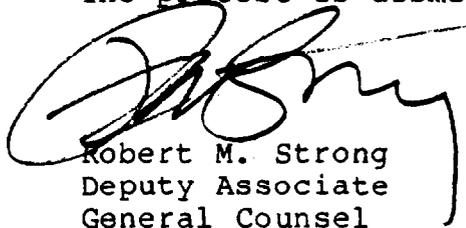
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Protest Regulations. See Automated Services, Inc., B-221906, May 19, 1986, 86-1 CPD 470. A party will not be deemed interested where it would not be in line for the protested award even if its protest were sustained. See Brunswick Corp. and Brownell & Co., B-225784.2, et al., July 22, 1987, 87-2 CPD 74.

As Airtrans has not contested the acceptability of the second ranked offeror or challenged the propriety of the evaluation of its own proposal, we have no reason to believe that Airtrans would be in line for award if its protest were sustained. Accordingly, Airtrans is not an interested party entitled to protest.

The protest is dismissed without holding the conference requested by Airtrans since a conference would serve no useful purpose. Taylor Lumber & Treating, Inc., B-229715, Dec. 23, 1987, 87-2 CPD ¶ 625. In view of our resolution of the protest, Airtrans' claim for proposal preparation costs and the costs of pursuing its protest are also denied. See Hydrosience, Inc., B-227989, et al., Nov. 23, 1987, 87-2 CPD ¶ 501.

The protest is dismissed.



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