



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: IMC Magnetics Corporation

File: B-232392

Date: September 1, 1988

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### DIGEST

Protester who has not contested the contracting agency's determination that it is nonresponsible is not an interested party under General Accounting Office's Bid Protest Regulations to protest on other grounds the award of a contract to another.

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### DECISION

IMC Magnetics Corporation protests the award of a contract to Noah Howden, Inc., under request for proposals (RFP) No. DAAJ09-88-R-0560 issued by the Aviation Systems Command, Department of the Army for vanaxial fans. IMC contends that the award to Noah Howden was improper because the firm was not an approved source of supply for these items and that the award was made at a price higher than that offered by the protester.

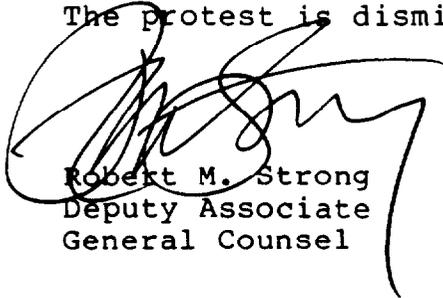
We dismiss the protest.

Material that IMC submitted with its protest indicates that the Army, in a letter dated August 8, 1988, notified IMC of the award to Noah Howden and that the contracting officer had determined that IMC was nonresponsible based on a negative preaward survey and was therefore considered ineligible to receive the award. Under our Bid Protest Regulations, a protesting party must be interested before we will consider its protest allegations. In particular, 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 or by the failure to award a contract. 4 C.F.R. § 21.0(a) (1988). Where, for various reasons, a protester would not be in line for an award even if this Office was to resolve the protest in its favor, the firm lacks standing as an interested party to have the matters in issue considered on the merits. See Technical Plastics Corp., B-230947, Apr. 28, 1988, 88-1 CPD ¶ 415.

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IMC has not contested the nonresponsibility determination and we have been informally advised by the agency that IMC did not represent itself as a small business concern. Since IMC would not therefore be in line for award even if we upheld the protest, IMC is not an interested party entitled to protest on other grounds the award to another. See GAFF Mfg., Inc., B-230934, June 16, 1988, 88-1 CPD ¶ 577.

The protest is dismissed.



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