



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** American Seating Company

**File:** B-233053

**Date:** November 7, 1988

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### DIGEST

1. A manufacturer's protest is dismissed where the offer submitted was from one of its dealers since only an actual or prospective offeror in line for award is an interested party eligible to protest under the General Accounting Office's Bid Protest Regulations.
2. To be timely, a protest against the propriety of the use of mandatory specifications in a request for quotations must be filed prior to the closing date for the receipt of quotations.

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### DECISION

American Seating Company (ASC) protests the award of a contract to Haworth, Inc., and the rejection of an offer submitted by its dealer, Bristen Office Concepts (BOC), under request for quotations (RFQ) DAAD05-88-Q-0529, issued by the United States Army Aberdeen Proving Ground Support Activity, for systems furniture.

We dismiss the protest because ASC is not an interested party as required under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(a) (Supp. IV 1986), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988).

ASC states that BOC submitted the lowest priced quote under this RFQ. ASC contends that this offer was rejected, however, because the contracting officer improperly evaluated it and failed to adequately respond to ASC's clarification/verification of its product's compliance.

The Army rejected BOC's offer because, among other things, its product did not have panels in 12 inch widths, called for in the RFQ, but only offered 18 inch wide panels. ASC

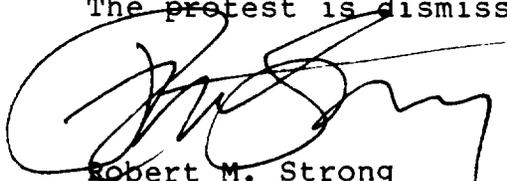
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had filed an agency-level protest after award explaining its objection to 12 inch wide panels and contending that the Army's rejection was improper. After receiving a denial of its protest from the Army, ASC filed its protest with this Office.

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. ASC's interest as a manufacturer of the product to be supplied by BOC is not sufficient for it to be considered an interested party under CICA and our Regulations because an interested party must be an actual offeror in line for award if the protest were sustained. Photo-sonic, Inc., B-225043.5, Oct. 20, 1987, 87-2 CPD ¶ 375.

In any event, protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1). The RFQ contained the following warning, "DRAWINGS AND SPECIFICATIONS MANDATORY." Accordingly, offerors were on notice that alternates were unacceptable. If BOC wished to challenge the specifications, such as the 12 inch wide panels, it should have filed such a protest prior to the closing date.

The protest is dismissed.



Robert M. Strong  
Associate General Counsel