



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Cloud 9 Limos
File: B-234572
Date: March 20, 1989

DIGEST

1. Protester is not an interested party to protest awards made to the low bidders where procuring agency advises that protester was rejected as nonresponsive, and has not protested this determination, and the protester was not the next low bidder, because it would not be in line for an award even if we sustained the protest.
2. General Accounting Office does not consider protest issues which are essentially made on behalf of other potential competitors who themselves may properly protest as interested parties.

DECISION

Cloud 9 Limos protests the award of several contracts to provide limousine services pursuant to a ground transportation service agreement with the Department of the Army, Fort Monmouth, New Jersey. Cloud 9 contends that the Army made the awards based upon an improper bidding process.

We dismiss the protest.

Cloud 9 alleges that it did not receive the bid package in the mail as did other bidders, even though it received and submitted a bid, that certain bids were lost by the Army prior to bid opening, that bids were improperly opened after the time for bid opening, that the opening time was amended without proper notification, that amendments Nos. 001 and 002 were not received by it and a number of companies, and that these improper procedures prevented other companies from participating in the bidding process.

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To be considered by our Office, a protest must be filed by an "interested party," defined in our Bid Protest Regulations 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. See 4 C.F.R. § 21.0(a) (1988). In determining whether a protester is sufficiently interested, we examine the extent to which there exists a direct relationship between the questions raised and the parties asserted interest and the degree to which the interest is established. In general, a party will not be deemed interested where it would not be in line for award even if the protest were sustained. Vitalink Communication Corp., B-232636, Nov. 21, 1988, 88-2 CPD ¶ 499.

Here, the documents submitted by Cloud 9 indicate that it was the 12th low bidder on zone 1, the 6th low bidder on zone 2, and the 6th low bidder on zone 3. Furthermore, the Army advises that Cloud 9's bid was rejected as nonresponsive because it was not signed. Since Cloud 9 does not protest award to any intervening bidders and was rejected as nonresponsive, and does not protest this determination, it would not be in line for award even if we sustained its protest. Therefore, we find that, as defined by our Regulations, Cloud 9 does not qualify as an interested party. Id.

Although Cloud 9 argues that other bidders were prevented from competing because of the Army's actions, it also is not an interested party to raise this issue because it was not prevented from competing for the procurement and other potential competitors with a more direct relationship with the issue may properly protest it themselves. Maschhoff, Barr & Assocs., B-233322, Nov. 18, 1988, 88-2 CPD ¶ 491.

The protest is dismissed.



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