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**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Apollo Mechanical, Inc.
File: B-235889.2
Date: August 16, 1989

DIGEST

Protest of allegedly defective plans and specifications, filed by a firm whose interest is that of a subcontractor, is dismissed since protester is not an "interested party" eligible to have its protest considered under the Competition in Contracting Act of 1984, and the General Accounting Office's implementing Bid Protest Regulations.

DECISION

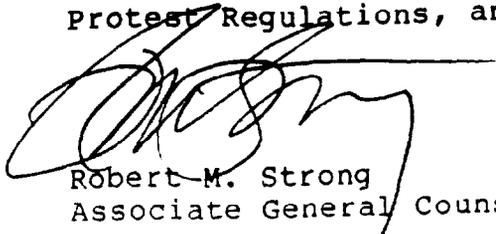
Apollo Mechanical, Inc., protests allegedly defective plans and specifications in invitation for bids (IFB) No. N62474-89-B-6685, issued by the Department of the Navy for construction of bachelor enlisted quarters at the Marine Corps Air Ground Combat Center, Twentynine Palms, California. We dismiss the protest because Apollo is not an interested party.

Under the Competition in Contracting Act of 1984 (CICA), our Office will only decide a protest 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. IV 1986); 4 C.F.R. § 21.0(a) (1988). A prospective subcontractor or supplier does not have the requisite interest to be considered an interested party to protest under CICA since it is not a prospective or actual offeror. Perma-Plus Division of Midwesco, Inc., B-230702, Apr. 14, 1988, 88-1 CPD ¶ 368.

In its comments on the agency report, Apollo states that it is a subcontractor. Moreover, the record shows that Apollo did not submit a bid as a prime contractor. Since Apollo is not an actual or prospective bidder under the IFB, it is not

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an interested party under CICA and our implementing Bid
Protest Regulations, and its protest is dismissed.



Robert M. Strong
Associate General Counsel