



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bulloch International, Inc.

File: B-236370

Date: September 18, 1989

DIGEST

Third-low offeror is not an interested party to protest award to the low offeror where the second low offeror would be in line for award even if the protest were sustained.

DECISION

Bulloch International, Inc., protests the Navy's award of a contract for two portable chill/freezer boxes for storage of perishable foods to Bangor Cooler Company pursuant to request for proposals (RFP) No. N00612-89-R-K066. Bulloch contends that the Navy improperly awarded the contract to Bangor even though Bangor's prices were unreasonably low. Alternatively, Bulloch speculates that, in awarding the contract to Bangor, the Navy must have relaxed its requirements without issuing an amendment to allow other offerors an opportunity to revise their proposals.

We dismiss the protest on the grounds that Bulloch is not an interested party as required under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3552 (Supp. IV 1986), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1989).

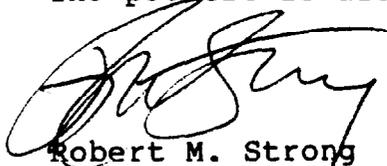
An interested party is defined in both CICA and our Regulations as an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. 31 U.S.C. § 3551(1); 4 C.F.R. § 21.0(a). Generally, a party will not be deemed to have the necessary economic interest where there are other intervening offerors that would be in line for award if the awardee was eliminated from the competition. See First Continental Bank Building Partnership, B-224423, Sept. 3, 1986, 86-2 CPD ¶ 255.

The Navy reports that offers were to be evaluated for compliance with the specifications and that award was to be

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made on the basis of the lowest priced, technically conforming offer. Bulloch's offer was the third lowest priced offer; the second lowest offer was submitted by Six Construction, Inc. The Navy reports that even if Bulloch's protest were sustained, the contract would be awarded to Six Construction on the basis of its second low, technically compliant offer. Bulloch has neither alleged that Six Construction's offer is too low nor that the firm is otherwise ineligible for award. Accordingly, as Bulloch would not be in line for award even if its protest were sustained, we conclude that Bulloch is not an interested party. See State Technical Institute at Memphis, 67 Comp. Gen. 236 (1988), 88-1 CPD ¶ 135.

The protest is dismissed.



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