

J. McAuliffe



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Pacrak, Inc.  
**File:** B-236798  
**Date:** November 7, 1989

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### DIGEST

Protest is dismissed where firm, subsequent to filing of protest, is reacquired by original debarred owner since the firm is ineligible for a contract award and, therefore, is not an interested party to protest.

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### DECISION

Pacrak, Inc., protests the award of a contract to U.S. Pollution Control, Inc., under request for proposals No. F34650-89-R-0060, issued by the Air Force for services relating to the disposal of industrial waste generated by Tinker Air Force Base, Oklahoma.

By letter of October 27, 1989, counsel for the protester informed us that ownership of Pacrak, a newly formed company which acquired the assets of Eason & Smith Enterprises, Inc., a debarred firm, has been reacquired by its original owner, Carroll Smith, who is also currently debarred.

Counsel for the protester concedes that Carroll Smith and Eason & Smith are debarred and are currently not eligible for any federal contracts. Under our Bid Protest Regulations, a party must be "interested" before our Office will consider the merits of its protest. 4 C.F.R. §§ 21.0(a) and 21.1(a) (1989). Since the company which would perform this contract admittedly is debarred, the firm is ineligible for award of a contract even if its protest were sustained. Accordingly, the firm is not an interested party

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and its protest therefore will not be considered by our Office. Cf. Jay Dee Militarywear, Inc., B-227797, July 16, 1987, 87-2 CPD ¶ 53.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger  
Associate General Counsel