

Vickers



**Comptroller General  
of the United States**

Washington, D.C. 20548

**Decision**

**Matter of:** Meyer and Lillian Blinder

**File:** B-238783

**Date:** May 11, 1990

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Tony Perry, Remax Mountain West, for the protester.  
John M. Hewins, Esq., Regional Counsel, General Services Administration, for the agency.  
James Vickers, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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**DIGEST**

Suspended offeror is not an "interested party" under General Accounting Office's Bid Protest Regulations because a suspended offeror is not eligible for award.

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**DECISION**

Meyer and Lillian Blinder protest a determination of nonresponsibility by the General Services Administration (GSA) in connection with its offer under solicitation for offers No. 89-10 for the acquisition of 21,500 square feet of office space in Englewood, Colorado.

We dismiss the protest.

Since the Blinders submitted the lowest offer, the contracting officer requested a financial capability investigation by the GSA Finance Office, Kansas City, Missouri to assist in her determination of Blinder's responsibility. Following its evaluation, the Finance Office forwarded a report to the contracting officer which found the Blinders' financial capability to be unsatisfactory, in the main, because of numerous liens and pending lawsuits against the Blinders which could impact on their net worth. Based on this information, the contracting officer determined the Blinders to be nonresponsible on January 31, 1990.

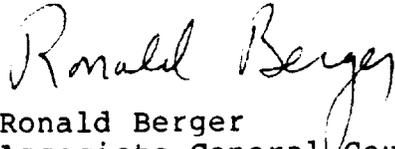
Subsequently, on February 24, Meyer Blinder was indicted on 11 counts of racketeering, securities fraud and conspiracy to violate racketeering laws by a federal grand jury in

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Nevada. On March 30, because of the indictment, GSA suspended Mr. Blinder from contracting with the federal government pending the completion of the legal proceedings. See Federal Acquisition Regulation (FAR) § 9.407-2.

A party who is suspended is precluded during the period of suspension from receiving any contract awards. FAR § 9.407-3. Since the Blinders would not be eligible for award under the solicitation for offers during the suspension period of Mr. Blinder, they are not currently an interested party to maintain a protest under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1989). See FAR § 9.406-5(a); Delta Mfg. and Sales, Inc., B-221836.2, Feb. 10, 1986, 86-1 CPD ¶ 147.

The protest is dismissed.



Ronald Berger  
Associate General Counsel