



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Optical Elements Corporation

File: B-241040

Date: October 12, 1990

Herman J. Esser for the protester.

Janis V. Nazarian, for The Microscope Company, Inc., an interested party.

Craig E. Hodge, Esq., and Major John K. Northrup, Esq., Department of the Army, for the agency.

Linda S. Lebowitz, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Fourth low offeror is not an interested party to question low firm's eligibility for award since it would not be in line for award even if the issue were resolved in its favor.

DECISION

Optical Elements Corporation protests the award of a contract to The Microscope Company, Inc., the low technically acceptable offeror, under request for proposals (RFP) No. DAAD05-90-R-0240, issued by the Department of the Army for an advanced image analysis system. The RFP provided for award to the low technically acceptable offeror. The protester argues that the awardee's system does not meet the RFP's specifications.

We dismiss the protest.

Our Bid Protest Regulations require that a party be "interested" before we will consider its protest. 4 C.F.R. § 21.0(a), 21.1(a) (1990). The record shows that based on the proposals submitted, Optical Elements is fourth in line for award behind Microscope Company and Delta Technologies, the second low technically acceptable offeror, and another acceptable offeror. Optical Elements has not challenged Delta's or the other firm's eligibility for an award. A protester is not interested where it would not be in line for award even if its protest were upheld. MOHEAT, Inc.--Recon., B-239378.2, June 20, 1990, 90-1 CPD ¶ 576. Here, even if

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Optical Element's protest were sustained, Delta would be next in line for award. Therefore, Optical Elements is not an interested party to challenge the award to Microscope Company.

Accordingly, the protest is dismissed.

A handwritten signature in black ink, appearing to read "Michael R. Golden".

Michael R. Golden
Assistant General Counsel