



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Marc Industries

File: B-243517

Date: June 6, 1991

Nancy Holton for the protester.

Sherry Kinland Kaswell, Esq., and Justin P. Patterson, Esq., U.S. Department of the Interior, Bureau of Land Management, for the agency.

Sylvia Schatz, Esq., and David Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protester that refuses to extend its bid acceptance period is not an interested party to protest rejection of its bid.

DECISION

Marc Industries protests rejection of its bid under Department of the Interior, Bureau of Land Management (BLM) invitation for bids (IFB) No. N651-IFB1-3026, for custodial services at the Red Rock Recreation Lands in Clark County, Nevada.

We dismiss the protest.

The agency received three bids on bid opening on February 8, 1991; two of the bids, however, were rejected as late. As its bid was to expire on March 29, BLM requested Marc, the only remaining bidder, to extend its bid acceptance period to April 28. The protester declined in writing, stating that there was no acceptable reason for extending the acceptance period. Subsequently, the agency rejected Marc's bid on the basis that the firm was controlled and managed by a government employee, leading the agency to conclude that there was a conflict of interest which precluded award of a contract to the firm. On April 3, Marc protested to our Office the rejection of its bid on the basis of a conflict of interest.

We decline to address the merits of this dispute. Our jurisdiction to consider bid protests is limited to those filed by interested parties, which are defined as actual or prospective bidders or offerors whose direct economic interest would be affected by the award of, or failure to award, a

051644 / 144136

contract. 4 C.F.R. § 21.0(b) (1991). In refusing to extend its bid acceptance period, Marc precluded any possibility that it could be awarded this contract even if we were to conclude that there was no conflict of interest; Marc thus is not an interested party eligible to continue with its protest. See SuPressor, Inc., 68 Comp. Gen. 122 (1988), 88-2 CPD ¶ 534.

The protest is dismissed.


John M. Melody
Assistant General Counsel