



Comptroller General
of the United States

Washington, D.C. 20548

145785

Decision

Matter of: Brackett Aircraft Radio Company--
Reconsideration

File: B-244831.3

Date: January 31, 1992

Alberto Gacharna, Jr., for the protester, Catherine M. Evans, Esq., David Ashen, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of decision dismissing protest of agency's cancellation of solicitation is denied where record shows that protester was not in line for award based on bids received, and therefore is not an interested party to protest cancellation.

DECISION

Brackett Aircraft Radio Company requests reconsideration of our decision, Brackett Aircraft Radio Co., B-244831.2, Dec. 27, 1991, 91-2 CPD ¶ 585, in which we dismissed its protest of the Department of the Army's decision to cancel invitation for bids (IFB) No. DAAH01-91-B-A055 for Patriot missile cable assemblies. We dismissed the protest because it failed to set forth a legally sufficient basis for challenging a prebid opening cancellation. Brackett requests reconsideration on the ground that the cancellation in fact took place after bids were opened, and that the basis for our decision therefore is incorrect.

We deny the request.

To be eligible to pursue a protest, a party must be "interested" within the meaning of our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a) and 21.1(a) (1991). An interested party generally is defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by failure to award a contract. 4 C.F.R. § 21.0(a). Where a protester would not be in line for an award even if we were to resolve the protest in its favor, the firm generally lacks standing as an interested party. Corrugated Inner-Pak Corp., B-233710.2, Mar. 29, 1989, 89-1 CPD ¶ 326. Here, the bid abstract Brackett furnished with its request shows that

Brackett was the fourth low bidder. Since Brackett was not the low bidder, and does not challenge the three lower bidders' eligibility for award, Brackett apparently would not be in line for award even if we were to sustain its protest. We therefore conclude that Brackett is not an interested party to challenge the cancellation. See id.

The request for reconsideration is denied.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger
Associate General Counsel