



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: The Swanson Group, Inc.
File: B-249631
Date: August 10, 1992

Richard D. Lieberman, Esq., Feith & Zell, for the protester.
Richard Hoffman, Esq., Department of the Army, for the agency.
Scott H. Riback, Esq., Office of the General Counsel, GAO, participated in preparation of the decision.

DIGEST

Small business which is found nonresponsible by agency and subsequently fails to file application for certificate of competency with Small Business Administration is not an interested party to protest the responsiveness of another bidder, since the protester would be ineligible for award even if its protest were sustained.

DECISION

The Swanson Group, Inc. protests the award of a contract to Nationwide Security under invitation for bids (IFB) No. DABT63-91-B0010, issued by the Department of the Army to acquire security guard services at Fort Huachuca, Arizona. Swanson argues that the bid of Nationwide was nonresponsive.

We dismiss the protest because Swanson is not an interested party.

Swanson was the apparent low bidder responding to the solicitation. Shortly after bid opening, however, the contracting officer determined that Swanson was nonresponsible. Because the firm is a small business, the Army referred the nonresponsibility determination to the Small Business Administration (SBA) on June 15, 1992, for consideration under that agency's certificate of competency (COC) procedures. By letter dated July 7, SBA informed the Army that, because Swanson had failed to submit an application for a COC by the deadline established for doing so, the agency was closing its file in the matter without further consideration.

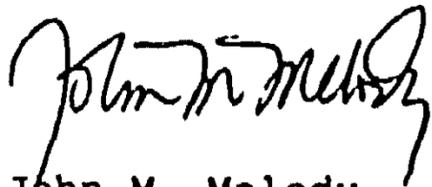
In order to maintain a protest in our Office, a firm must be an interested party, that is, an actual or prospective bidder or offeror whose direct economic interest will be

affected by the award of or failure to award a contract, Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1992). A firm is not an interested party if it is ineligible to receive award under the protested solicitation. Stemaco Prods., Inc., B-243206, Mar. 27, 1991, 91-1 CPD ¶ 333. Swanson is ineligible for award consideration because the contracting officer determined the firm to be nonresponsible, and Swanson failed to avail itself of the SBA's COC procedures. The firm therefore is not an interested party for purposes of challenging the responsiveness of Nationwide's bid. Id.

Swanson asserts that it is an interested party because, as the incumbent, it could receive an extension of its contract if the awardee does not perform the contract pursuant to the IFB, and because it believes "the security of the U.S. is dependent upon proper safeguarding of national security secrets." These interests are at best indirect ones and are insufficient to make Swanson an interested party in the face of its ineligibility for award.

It is necessary to address an additional matter here. Notwithstanding that Swanson itself raised the issue of its interested party status, and the clear relevance of the above nonresponsibility information to the issue of this status, Swanson did not include it in its protest submission. (Rather, it was necessary for us to obtain the information from the Army.) In these circumstances, such a nondisclosure is inconsistent with the implicit obligation of the protester to present all relevant information, and serves only to delay our resolution of the matter.

The protest is dismissed.



John M. Melody
Assistant General Counsel