

Curcio
1-17-92



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Systems Software Standards, Ltd.

File: B-249505

Date: August 13, 1992

William Casanova for the protester,
Thomas J. Lundstrom, Esq., Department of the Navy, for the
agency.
Mary G. Curcio, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Offeror whose proposal was ranked fourth based on technical and cost factors is not an interested party to protest cancellation of solicitation since protester would not be in line for award even if the protest were sustained and reinstatement of the canceled solicitation were recommended.

DECISION

Systems Software Standards, Ltd. protests the cancellation of request for proposals (RFP) No. N00189-91-R-0024, issued by the Department of the Navy to provide support to the Commander, Naval Surface Forces Atlantic Fleet, for Combat Systems Readiness Review inspections.

We dismiss the protest.

The solicitation was issued on May 6, 1991, as a competitive solicitation under the Small Business Administration's 8(a) program. By October 21, the due date for proposals, 12 offerors responded to the solicitation. On July 20, 1992, the solicitation was canceled because internal responsibility for the program was transferred to another Navy Division, the Naval Warfare Assessment Center in Corona, California, and this division determined that it would perform most of the work in-house and any remaining work under an existing contract. On July 22, Systems Software submitted its protest against the cancellation to our Office.

We dismiss the protest because our review of the record shows that Systems Software is not an interested party to protest the cancellation of the solicitation. Specifically, the record shows that System Software's proposal was ranked fourth overall based on technical and cost considerations.

Thus, even if we were to sustain the protest and recommend that the Navy reinstate the solicitation, there are three higher rated offerors in line for award ahead of Systems Software. See Federal Elec. Corp., B-220418.2, Apr. 1, 1987, 87-1 CPD ¶ 367.

Systems Software contends that it is an interested party simply because it is a qualified 8(a) firm that responded to the solicitation. Systems Software's argument misconstrues the interested party requirement. Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3553 (1988), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1992), a protester must qualify as an interested party before its protest may be considered by our Office. That is, a protester must have a direct economic interest which would be affected by the award of a contract or the failure to award a contract. 31 U.S.C. § 3551(2); 4 C.F.R. § 21.0(a). Here, given System Software's overall ranking as fourth, and the fact that no objection has been raised to the eligibility for award of the three higher ranking offerors, Systems Software does not have the direct economic interest necessary to qualify as an interested party to protest the cancellation of the solicitation. See Federal Elec. Corp., supra.

The protest is dismissed.

Christine S. Melody
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Assistant General Counsel