

**Matter of:** Bolinger Sales Company--Reconsideration

**File:** B-254815.3

**Date:** January 14, 1994

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Robert Bolinger for the protester.  
Scott H. Riback, Esq., and John M. Melody, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

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#### **DIGEST**

Request for reconsideration is denied where protester has not shown that original decision dismissing protest contained errors of fact or law or that General Accounting Office failed to consider information that would warrant reversal or modification of earlier decision.

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#### **DECISION**

Bolinger Sales Company requests reconsideration of our September 20, 1993, decision dismissing its protest challenging the terms of invitation for bids (IFB) No. F41685-93-B-0034, issued by the Department of the Air Force for the installation of an airplane hangar heating system at Laughlin Air Force Base. We dismissed Bolinger's protest because the record showed that Bolinger was not an interested party; the firm was a prospective supplier/subcontractor for the requirement. Our Office does not review subcontractor protests. Control Techs., Inc., B-251335, Jan. 5, 1993, 93-1 CPD ¶ 16.

We deny the request.

Bolinger maintains that it has previously been found to be an interested party to protest the specifications for heating systems even though it was only a supplier/subcontractor. In support of its position, Bolinger directs our attention to two protests that it filed during 1990. The protester contends that in both cases it was found to be an interested party and its protests were found to be meritorious.

In order for a protester to obtain reconsideration, it must show that our prior decision contained errors of fact or law, or that we failed to consider information that would warrant reversal or modification of the earlier decision.

Precision Kinetics--Recon., B-249975.2, Mar. 12, 1993, 93-1 CPD ¶ 226. Bolinger has not met this standard.

Bolinger's argument does not establish that our prior decision was wrong. As discussed in that decision, it is well-established that a subcontractor does not have standing to protest a contract award. Control Techs., Inc., supra. Since Bolinger does not deny that it is a subcontractor, there was no basis for considering its protest.

Bolinger has mischaracterized the results in its two prior protests. In the first case, B-240320, we closed our file on July 12, 1990, without issuing a decision because Bolinger withdrew the protest after obtaining what it viewed as satisfactory corrective action. In the second case, B-240099, we dismissed Bolinger's protest on July 26, without issuing a decision after being advised by the agency that it had taken corrective action to address Bolinger's concerns. In both cases, the protests were resolved without consideration of Bolinger's status as an interested party. Had we addressed the issue, we would have held that Bolinger, as a subcontractor, lacks the necessary direct economic interest to be an interested party, because it would not be in line for the award of a prime contract if its protest were sustained. 4 C.F.R. § 21.0(a) (1993).

Bolinger maintains that it should be able to protest because there is no incentive for a prime contractor to object to the heating system specifications. However, while it may be that supplier/subcontractors have greater incentive to protest, this does not establish that they are interested parties within the meaning of our Bid Protest Regulations. The request for reconsideration is denied.

Ronald Berger  
Associate General Counsel