



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Thomas Settles d/b/a Intown Properties

File: B-256772

Date: May 20, 1994

DECISION

Thomas Settles, d/b/a Intown Properties protests the rejection of its proposal under solicitation H06R-93-004100000, issued by the Department of Housing and Urban Development.

We dismiss the protest because the protester, an other-than-small business, is not an interested party to challenge the contracting agency decision in this procurement, which has been set aside for small business.

Under the bid protest provisions of Competition in Contracting Act of 1984, 31 U.S.C. § 3551-3556 (1988), only an "interested party" may protest a federal procurement. 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. 4 C.F.R. § 21.0(a) (1994). Determining whether a protester is interested involves consideration of a variety of factors, including the nature of issues raised; the benefit of relief sought by the protester; and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Subsequent to the filing of the protest, Thomas Settles, d/b/a Intown Properties was determined by the Small Business Administration to be other than a small business. As a result, the protester is ineligible for award under this solicitation, and it is not an interested party for the purpose of challenging this procurement. ARQ Corp., B-231438, July 22, 1988, 88-2 CPD ¶ 74.


John Van Schaik
Acting Assistant General Counsel