



Comptroller General  
of the United States

344114

Washington, D.C. 20548

## Decision

**Matter of:** Laidlaw Environmental Services (GS), Inc.  
**File:** B-260289.2  
**Date:** April 10, 1995

### DECISION

Laidlaw Environmental Services (GS), Inc. protests the award of a contract to Tri-State Government Services, Inc. under request for proposals (RFP) No. SP4400-94-R-0066, issued by the Defense Logistic Agency's Defense Reutilization and Marketing Service for hazardous waste removal.

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

Under the bid protest provisions of the 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 be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a) (1995). Determining whether a party 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 even if its protest were sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

The RFP at issue in this protest indicated that the agency would either award all contract line items (CLINs) to one offeror, or make multiple partial awards according to a predetermined division of the CLINs set forth in the RFP. Laidlaw contends that the agency failed to consider the possibility of multiple partial awards before selecting Tri-State for the award of all CLINs. Laidlaw argues that the RFP required the agency to consider a scenario under which Laidlaw would have received award for one group of CLINs and another offeror, Aman Environmental Construction, would have been awarded all (or most) of the remaining CLINs. The agency points out that Aman's proposal was not eligible for such a partial award because, several months before best and final offers (BAFO) were requested, it had

been eliminated from the competitive range with respect to the relevant partial award. The record confirms that Aman was advised that its proposal was outside the competitive range as to the partial award.<sup>1</sup> Without the possibility of a partial award to Aman, there is no factual basis for Laidlaw's argument that the agency could have split the award between Laidlaw and Aman. The proposals which were included in the competitive range did not provide any possibility of covering all CLINs through partial awards. Accordingly, even if we were to sustain Laidlaw's protest, the agency would have no basis to make multiple partial awards; hence, Laidlaw would not be in line for award and is not an interested party for the purpose of filing a protest with our Office.

The protest is dismissed.



Paul Lieberman  
Assistant General Counsel

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<sup>1</sup>Laidlaw points out that the letter requesting a BAFO from Aman did not repeat that its proposal was not in the competitive range for the partial award relevant here; that Aman's BAFO actually covered partial awards as well as a single one; and that the agency documents indicate that Aman's BAFO may have been evaluated for partial awards. Nonetheless, these actions (which the agency advises reflect errors on the part of agency personnel) did not serve to restore Aman's proposal to the competitive range. While Laidlaw argues that Aman's proposal should not have been eliminated from the competitive range (or should have been restored to that range prior to the submission of BAFOs), it is not an interested party to contest the treatment of another offeror's proposal.