



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kimball International Marketing Inc.

File: B-260984.2

Date: May 11, 1995

DECISION

Kimball International Marketing Inc. protests the award of a contract under solicitation No. N62467-94-B-0897 issued by the Department of the Navy.

We dismiss this protest because a subcontractor or prospective supplier 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 and Supp. V 1993), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder or offeror 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). 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 were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Under these rules, a prospective subcontractor does not have the requisite interest to be an interested party because it is not a prospective or actual bidder or offeror. Nasatka Barrier, Inc., B-234371; B-234578, Mar. 31, 1989, 89-1 CPD ¶ 349.

In this regard, the agency advises our Office, and Kimball has not disputed, that it would not be a bidder under this solicitation and that it would only be a supplier to the prospective bidders. Kimball, therefore, is not an interested party eligible to maintain a protest.

Michael R. Golden

Michael R. Golden
Acting Associate General Counsel