



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Technical Manufacturing Corporation

**File:** B-261726

**Date:** June 29, 1995

---

### DECISION

Technical Manufacturing Corporation protests the award of a contract to Kinetic Systems by the Department of the Army under solicitation No. DAAH01-95-R-0122.

We dismiss this protest on the basis that 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). 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.

In this regard, the Army advises our Office that TMC is the third low offeror under this procurement. Since there has been no challenge to the eligibility for award of the intervening bidders or offerors who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

*Ronald Berger*

Ronald Berger  
Associate General Counsel

064115/154757