

*Hostfall / Mrs. Trail*



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

Matter of: Geotherm Coatings Systems  
File: B-262093; B-262094  
Date: August 14, 1995

## DECISION

Geotherm Coatings Systems protests the specifications in invitation for bids (IFB) Nos. DABT47-95-B-0018 and DABT47-95-B-0020, issued by the Department of the Army for two roof recoating projects, one in Greenville and the other at Fort Jackson, South Carolina. The protester contends that the specifications describing the coating material to be used are written around the product of one of its competitors, Neogard Corporation, and are restrictive of competition.

We dismiss the protest because the protester, which is a materials manufacturer, is not a prospective bidder for the construction services sought and thus is not an interested party to maintain a protest before our Office.

Under the Competition in Contracting Act of 1984 (CICA) and our Bid Protest Regulations, our Office may only decide a protest filed by an "interested party," which the statute defines as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or the failure to award the contract." 31 U.S.C. ¶ 3551(2) (1988); 4 C.F.R. § 21.0(a) (1995). A prospective supplier does not have the requisite interest to be considered an interested party to protest under CICA since it is not a prospective or actual bidder or offeror. Allied Tube & Conduit, B-252371, Apr. 27, 1993, 93-1 CPD ¶ 345.

The protest is dismissed.<sup>1</sup>

Ralph O. White  
Acting Assistant General Counsel

<sup>1</sup>Although we are dismissing the protest, the Army is considering the protester's complaint and has advised our Office that it is revising the specifications for each project to eliminate unduly restrictive features.

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