

P. Williams



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

Decision

Matter of: Barron, Heinberg & Brocato Architects & Engineers

File: B-265990

Date: September 29, 1995

DECISION

Barron, Heinberg & Brocato Architects & Engineers protests the selection of Walk, Haydel & Associates (Walk, Haydel), for negotiation of an architect-engineer (A-E) contract relating to the federal prison to be located near Pollock, Louisiana under solicitation No. X00-0233, issued by the Department of Justice, Federal Bureau of Prisons. The protester essentially contends that the agency improperly determined that Walk, Haydel was the most qualified offeror based on a flawed evaluation of the firm's A-E submittals.

We dismiss the 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 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 the issues raised; and the party's status in relation to the procurement. Arthur Cotton Moore/Assocs., P.C., B-234302, Mar. 9, 1989, 89-1 CPD ¶ 260.

Here, the agency has provided us with a photocopy of the offeror's relative scores and ranking which reveals that the protester's A-E submittal was ranked fourth. The protester has not challenged the evaluation of the two intervening A-E firms who would precede the protester in eligibility for award if negotiations with Walk, Haydel were terminated. Thus, the protester is not an interested party to object to

the selection of Walk, Haydel since it is not next in line for award even if its protest were sustained. Id.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Michael R. Golden".

Michael R. Golden
Assistant General Counsel