

Benjamin



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

Decision

Matter of: G.H. Harlow Company, Inc.
File: B-266144
Date: October 18, 1995

DECISION

G. H. Harlow Company, Inc. protests the terms of invitation for bids (IFB) No. DAHA35-95-B-0008, issued by the Department of the Army as a total small disadvantaged business (SDB) set-aside, for the installation of a basewide fire alarm system at the Portland Air National Guard Base, in Portland, Oregon. Harlow, a non-SDB firm, contends that the IFB's requirement for a "Monaco Model D-700 or approved equal" central alarm station receiver renders the solicitation unduly restrictive of competition.

We dismiss the protest.

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 have a direct economic interest which would be affected by the award of a contract or the failure to award a contract. See Bid Protest Regulations, section 21.0(a), 60 Fed. Reg. 40,737, 40,739 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.0(a)). A protester is not an interested party where it would be ineligible for award even if its protest were sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Harlow, a non-SDB firm, is ineligible for award under the IFB. Accordingly, Harlow is not an "interested party" to challenge the IFB's "Monaco Model D-700 or approved equal"

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requirement. See S.A. SABER, B-249874, Dec. 10, 1992, 92-2 CPD ¶ 403; Curtis-Universal, Inc., B-244663, Aug. 14, 1991, 91-2 CPD ¶ 149.¹

The protest is dismissed.

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¹After filing this protest, Harlow filed a supplemental protest challenging the issuance of the IFB as an SDB set-aside as being inconsistent with Adarand Constructors, Inc. v. Pena, 115 S.Ct. 2097 (1995). We dismissed that protest on September 28, 1995. Harlow has informed us that it intends to request that we reconsider that dismissal. If the protester were to succeed in its reconsideration request and we were to sustain its protest challenging the SDB set-aside, Harlow may then reinstate this protest.