



19871
Mr. Kratzer

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-203599

October 19, 1981

S.A.F.E. Export Corporation
c/o SAFE OHG
Box 800 826
D-6230 Frankfurt/Main 80
Federal Republic of Germany

Attention: E.J.P. Tierney

Gentlemen:

We refer to your letter of September 25, 1981, in which you informed us that you have not yet received a copy of the administrative report which responded to your protest of request for proposals (RFP) DA JA37-81-R-0432. On August 12, 1981, we forwarded a copy of that report to you by Air Mail. On September 14, 1981, we closed our file on this matter without action because you had neither responded to the report nor otherwise expressed continued interest in the protest.

In any event, we have reviewed the agency report, which we again enclose, and observe that the RFP paragraph to which you object is apparently authorized by Defense Acquisition Circular No. 76-26 Item II, 15 December 1980. More significantly, the report states that on the due date for receipt of proposals you advised the agency that you were not submitting an offer because you could not meet the delivery requirements and you were unable to organize your operations so as to handle the solicitation properly. In view of your decision not to compete for this contract for reasons unrelated to the provision to which you objected, we conclude that you do not have the requisite direct and substantial economic interest in this solicitation to be considered an interested party under our Bid Protest Procedures, 4 C.F.R. 21.1(a). See Falcon Electric Company, Inc.,

019026

B-203599

B-199080, April 9, 1981, 81-1 CPD 271. Under the circumstances, we do not think any useful purpose would be served by reopening the file.

Sincerely yours,

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

Enclosure