

J. Thomas



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bits Technical Corporation

File: B-270782

Date: January 18, 1996

DECISION

Bits Technical Corporation protests the award of a contract to M & A Technology, Inc. by the National Aeronautics & Space Administration under solicitation No. 9B1201514P. Bits contends that M & A did not properly certify that all of its products were American end-products.

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, 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. 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 not be in line for contract award were its protest sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. In this case, the agency advises that Bits is sixth in line for award. Since there has been no challenge to the eligibility for award of the intervening bidders that would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

The protest is dismissed.

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