

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-186520

DATE: September 10, 1976

MATTER OF: Dynamic International, Inc.

601466  
98056**DIGEST:**

Bidder debarred during pendency of protest concerning specification requirement is not interested party since debarment precludes any possibility of award, thus rendering resolution of protest academic.

By letter dated May 14, 1976, Dynamic International, Inc. (Dynamic), protested the award of a contract for janitorial services under invitation for bids (IFB) F33601-76-09454, issued April 21, 1976, by the Base Procurement Branch, Wright-Patterson Air Force Base, Ohio. Bids were opened May 21, 1976. Awards are being held in abeyance pending resolution of this protest.

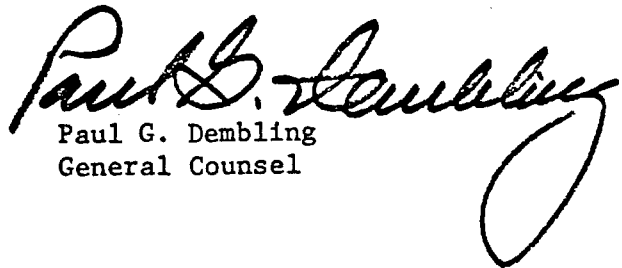
After submission of the agency report and the protester's comments thereon, the Air Force informally advised us that Dynamic was placed on the debarred bidder's list on June 15, 1976, pursuant to provisions of the Service Contract Act, 41 U.S.C. § 351 et seq. (1970). In this regard, section 354(a) of the Act provides in pertinent part:

"\* \* \* no contract of the United States shall be awarded to the persons or firms appearing on this list \* \* \* until three years have elapsed from the date of publication of the list containing the name of such persons or firms."

Our Bid Protest Procedures require that a protesting party have some legitimate interest in the procurement action before this Office will consent to consider the protest. 4 C.F.R. § 20.1(a) (1976); Kenneth R. Bland, Consultant, B-184852, October 17, 1975, 75-2 CPD 242. In the instant case, the effect of placing Dynamic on the debarred bidder's list was to preclude it from any possibility of award under the instant solicitation, thus rendering resolution of the protest academic.

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Under these circumstances, the protester is not an interested party and its protest is dismissed.

  
Paul G. Dembling  
General Counsel