

4107
C3980
DECISION



W. W. Witherspoon
Proc I
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-189516

DATE: October 17, 1977

MATTER OF: Comspace Corporation

DIGEST:

Protester, suspended under provisions of ASPR § 1-605.1 (1976 ed.), is not interested party under CAO Bid Protest Procedures since suspension renders protester ineligible for award. Therefore, protest is dismissed.

Comspace Corporation (Comspace) protests against the award of contracts under Purchase Requests Nos. YPC 77143000299, 300, 301 and 302, issued by the Defense Logistics Agency (DLA). Comspace contends that DLA negotiated in bad faith. According to Comspace, a DLA purchasing agent orally awarded the subject orders to Comspace on June 17, 1977, and then DLA formally awarded the orders to another firm at a lower price. DLA denies that there was an oral award to Comspace.

Pursuant to the provisions of Armed Services Procurement Regulation (ASPR) § 1-605.1 (1976 ed.), the protester has been indefinitely suspended from contracting with the Department of Defense.

Under the ASPR a suspended firm is ineligible for Department of Defense contracts during the term of the suspension. Therefore, a suspended firm is not an "interested party" under our Bid Protest Procedures, 4 C.F.R. § 20.1(a) (1977), and resolving the protest on the merits would be academic. John Bernard Industries, Inc., B-189103, B-189104, B-189105, B-189106, B-189112, B-189119, E-189139, June 22, 1977, 77-1 CPD 446.

Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel