

**DECISION**



*Fitzgerald*  
*DLI*  
*14803*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-199242

DATE: September 3, 1980

MATTER OF: Park Poly Bag Corporation

**DIGEST:**

1. [Protest against contracting officer's decision not to delay award while protester appeals suspension is academic since Board of Contract Appeals upheld suspension.
2. Protester, suspended under applicable procurement regulations, is not interested party under GAO Bid Protest Procedures since suspension renders protester ineligible for award.

Park Poly Bag Corporation (PPB) protests under solicitation No. 5FCB-13-80-35 issued by the General Services Administration (GSA). According to PPB, it is the low bidder on this procurement for plastic (polyethylene) bags. However, before any award was made, it was notified by GSA that, in accordance with Federal Procurement Regulations § 1-1.605-1(a)(1)(i) (1964 ed. amend. 127), it and two company officials were suspended from future contracting and subcontracting with GSA due to a criminal indictment handed down by the United States District Court for the District of New Jersey.

Pursuant to 41 C.F.R. § 5-1.605(c)(3) (45 Fed. Reg. 15549, March 11, 1980), PPB appealed the suspensions to the GSA Board of Contract Appeals. The contracting officer, however, refused to delay the contract award. It is this decision that PPB protests, arguing that the contract should not be awarded until the Board of Contract Appeals has ruled on PPB's petition to vacate the suspensions.

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On July 29, 1980, the GSA Board of Contract Appeals rendered its decision, upholding the PPB suspensions. In light of this, PPB's protest against the refusal to delay the award is now academic. Moreover, under our Bid Protest Procedures, 4 C.F.R. § 20.1(a) (1980), PPB is not an "interested party" to protest the award made since a suspended firm or individual is ineligible for the agency's contracts during the period of suspension. See Comspace Corporation, B-189516, October 17, 1977, 77-2 CPD 296.

Protest dismissed.

*Harry R. Jan Cleave*  
for Milton J. Socolar  
General Counsel