

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

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FILE: B-215022.4 :

DATE: September 17, 1984

MATTER OF: S.A.F.E. Export Corporation--Request for
Reconsideration**DIGEST:**

1. Request for reconsideration is dismissed where new information raised by protester was available at the time the initial protest was pending.
2. Request for reconsideration is dismissed since requester, a potential supplier of materials to firms which might have competed for prime contract, is not an interested party to protest agency's sole-source award.

S.A.F.E. Export Corporation (SAFE) requests that we reconsider our decision S.A.F.E. Export Corporation, B-215022, et al., July 17, 1984, 84-2 C.P.D. ¶ 58. SAFE protested the sole-source contract award for the supply and installation of protective film on glass by the United States Embassy in Rome (Embassy). We dismissed the protest because SAFE, which had been debarred and was ineligible to receive a contract award, was not an interested party to protest under our Bid Protest Procedures.

We will reconsider a prior decision where the protester demonstrates that our prior decision failed to consider information or contained an erroneous finding of law. 4 C.F.R. § 21.9(a) (1984). SAFE asserts that our first decision failed to consider the fact that SAFE was not attempting to obtain a contract with the Embassy to install the protective film, but rather that SAFE might be only a supplier of protective film to other potential firms that could have competed for the contract. Therefore, SAFE argues it is an interested party and its protest should be considered on the merits.

Information not previously considered refers to information which was overlooked by our Office or information which the protester did not have access to when the initial protest was pending. BJM Marine Repairs, Inc.--Request for Reconsideration, B-202966.2, Feb. 16, 1982, 82-1 C.P.D. ¶ 131. In SAFE's initial protest, SAFE specifically alleged that the Embassy awarded a sole-source contract

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despite the fact that SAFE complied with the Embassy's request to submit a proposal to supply and install the protective film. Thus, this fact was the basis of our initial decision. The fact that SAFE might have been eligible to receive a subcontract with other firms that could compete for the contract was a fact of which SAFE was obviously aware, but chose not to raise. Consequently, SAFE's request for reconsideration will not be considered.

In any event, the fact that SAFE was not attempting to obtain the prime contract with the Embassy to install film, but rather might be a potential supplier to those firms which could have competed, does not change the conclusion that SAFE is not an interested party to protest the Embassy's sole-source contract award. Whether a party is interested to have its protest considered depends upon the degree to which its interest in the outcome of the protest is both established and direct. Supreme Equipment & Systems Corporation, B-211428, May 6, 1983, 83-1 C.P.D. ¶ 478. In determining whether a party is interested, we look at the nature of the issues raised and the direct or indirect relief sought by the protester. Climatological Consulting Corporation, B-197906, Aug. 4, 1980, 80-2 C.P.D. ¶ 81.

Here, SAFE's interest that it might be selected as a supplier to one of these potential contractors is not sufficient by itself to find that SAFE is an interested party. In this regard, SAFE would not be entitled to receive a subcontract award even if we found that the sole-source award was improper. See Elec-Trol, Inc., B-188959, June 20, 1977, 77-1 C.P.D. ¶ 441, and Vanguard Technologies Corporation, B-198705, June 17, 1980, 80-1 C.P.D. ¶ 425. Further, the issue raised by SAFE concerns whether the Embassy properly awarded the sole-source contract. We believe that the firms which were allegedly excluded from competing for the contract are intermediate parties with greater interest in the resolution of this issue. See American Satellite Corporation, B-189551, Mar. 6, 1978, 78-1 C.P.D. ¶ 171. SAFE does not have the required direct and substantial interest to be deemed an interested party.

SAFE's request for reconsideration is dismissed.

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