

DECISION

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

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FILE: B-215915**DATE:** September 28, 1984**MATTER OF:** Systems Engineering Inc.**DIGEST:**

Firm which is not eligible for award because it submitted a late bid under solicitation is not an "interested" party under our Bid Protest Procedures to protest award to another firm.

System Engineering Inc. (SEI) protests the award of a contract to Mathers Controls Incorporated (Mathers) under invitation for bids (IFB) No. DTCG40-84-B-0117, issued by the United States Coast Guard (Coast Guard).

We dismiss the protest in accordance with 4 C.F.R. § 21.3(g) (1984) of our Bid Protest Procedures, which provides that where the propriety of dismissal becomes clear only after information is provided by the agency, the protest may be dismissed at that time without further development of the record.

The agency has advised us that the protester's bid was not received at the contracting office until after the bid opening time established in the IFB. The bid was rejected as late under the late bid rules and was returned to SEI. Five bids were received timely and award was made to Mathers. The protester has not contested the rejection of its bid as late. If the protester were to raise this matter now, it would be untimely. 4 C.F.R. § 21.2(b)(2) (1984).

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest allegations. 4 C.F.R. § 21.1(a) (1984). We will not consider a party's interest to be sufficient where that party would not be eligible for award, even if the issues raised were resolved in its favor. Kilfoyle Metal Building Company, B-211161, Aug. 16, 1983, 83-2 C.P.D. ¶ 219. Since SEI is not eligible to receive award because of its late bid, it is not an interested party.

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We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel