

DECISION

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

3108

FILE: B-218313 **DATE:** April 30, 1985
MATTER OF: Pacific Coast Welding & Machine, Inc.

DIGEST:

A potential subcontractor complaining about definitive responsibility criteria that a bidder would have to meet as a prerequisite to award of the prime contract is not an interested party since to be an interested party under the Competition in Contracting Act of 1984 and the General Accounting Office implementing Bid Protest Regulations a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

Pacific Coast Welding & Machine, Inc. protests any award under invitation for bids (IFB) No. N62467-83-B-0426, issued by the Department of the Navy. The basis for protest is that certain definitive responsibility criteria that relate to the experience of the contractor are unduly restrictive of competition. Pacific is reported to be a potential subcontractor.

We now consider bid protests pursuant to 31 U.S.C. § 3551 et seq., as added by section 2741(a) of Pub. L. 98-369, title VII (the Competition in Contracting Act). The law defines an interested party as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award or by failure to award the contract." The language of our implementing Bid Protest Regulations mirrors the definition contained in the statute. 4 C.F.R. § 21.0(a) (1985).

In this case, the agency reports that Pacific was neither a bidder nor, according to its Vice President, a prospective bidder. Pacific's interest in the qualifications that a bidder would have to meet for award of the

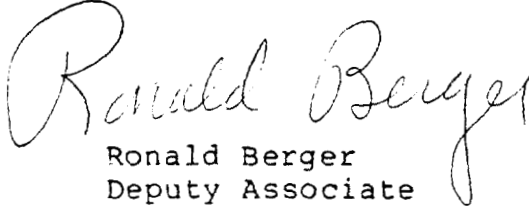
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prime contract is that of a potential subcontractor only. Under the law and our implementing Bid Protest Regulations, Pacific's interest is not sufficient for it to be considered an interested party. Its protest therefore will not be considered.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel