

**DECISION**

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

Goddard  
PL-I  
3/380

**FILE:** B-218908

**DATE:** June 6, 1985

**MATTER OF:** Aldan Rubber Co.

**DIGEST:**

To be considered an interested party so as to have standing to protest 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. A potential subcontractor on a direct federal procurement cannot be considered an actual or prospective bidder or offeror.

Aldan Rubber Co. (Aldan) protests the award of any contract under invitation for bids (IFB) DAAK60-85-B-0026, issued by the United States Army Natick Research and Development Center, Natick, Massachusetts. The solicitation was for the supply of extended cold weather camouflage gear.

The protest is dismissed.

Aldan protests that the specifications are defective and, as a consequence, they can only be met with the use of Gore-Tex manufactured by W. L. Gore, Inc. (Gore), Elkton, Maryland.

An award was made under this solicitation to Lite Industries, Inc., on May 3, 1985. Neither Aldan nor Gore submitted bids under this IFB. Rather, Aldan is a potential supplier for the fabric for extended cold weather camouflage parkas and trousers. Accordingly, Aldan is, at best, a prospective subcontractor.

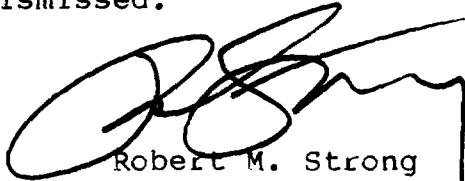
Under section 2741(a) of the Competition in Contracting Act of 1984 (CICA), Pub. L. 98-369 (to be codified at 31 U.S.C. § 3551, et seq.), an interested party is defined as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." This statutory

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definition of an "interested party" is reflected in the language of our Bid Protest Regulations which implement the CICA. 4 C.F.R. § 21.0(a) (1985). Accordingly, with respect to all bid protests filed on or after January 15, 1985, the effective date of subtitle "D" of the CICA, only protests involving a direct federal procurement filed by a party that comes within the statutory definition of an interested party can be considered. Thus, our Office will no longer consider subcontractor protests except where the subcontract is by or for the government. 4 C.F.R. § 21.3(f) (10) (1985). PolyCon Corporation, B-218304; B-218305, May 17, 1985, 64 Comp. Gen. \_\_\_\_\_, 85-1 C.P.D. ¶ \_\_\_\_\_.

As a potential subcontractor-supplier, the protester is not an actual or prospective bidder or offeror on the protested solicitation and the solicitation does not involve subcontracts by or for the government. Therefore, under the CICA and our implementing Bid Protest Regulations, Aldan is not an interested party and its protest will not be considered.

The protest is dismissed.



Robert M. Strong  
Deputy Associate General Counsel