

**DECISION**

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

**FILE:** B-219370

**DATE:** August 16, 1985

**MATTER OF:** Julie Research Laboratories, Inc.

**DIGEST:**

To be considered an interested party so as to have standing to protest under the Competition in Contracting Act of 1984 and GAO 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.

Julie Research Laboratories, Inc. (Julie) protests the allegedly restrictive specification contained in request for proposals (RFP) No. F33659-85-R-0010 issued by the Aerospace Guidance and Metrology Center, Newark Air Force Station, Ohio for a portable field assistance support team calibration system.

The system consists of eight portable shelters housing 400 items of calibration equipment. Under the terms of the solicitation, the contractor is required to obtain the 400 items of equipment, install them in the government furnished shelters and integrate, document and test the equipment and systems. The solicitation listed the 400 items of calibration equipment that were to be integrated into the system by type and brand name and stated that equipment acquired by the contractor shall be as listed or essentially equal. It also stated that any equipment substitution must be approved and included the standard "brand name or equal" clause which requires the bidder to submit descriptive literature if it proposes to use equivalent equipment. Julie contends that the Air Force restricted competition with its use of the brand name or equal type specification. The protester specifically points out the items of calibration equipment it could supply. We dismiss the protest.

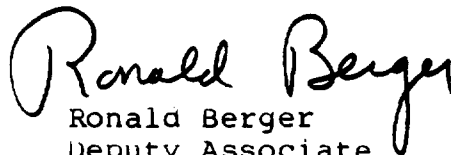
Under 31 U.S.C. § 3551, et seq., as added by § 2741(a) of the Competition in Contracting Act of 1984 (CICA), Pub. L. No. 98-369, this Office decides protests filed by interested parties. An interested party is defined as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." This statutory definition is reflected in our Bid Protest Regulations implementing CICA. 4 C.F.R. § 21.0(a) (1985).

In its protest letter, Julie does not claim to be a potential prime contractor, nor did the protester submit a proposal. In fact, in its protest letter Julie states that it is a manufacturer of "many" of the items, not of all of them.

As is apparent from the solicitation, a prime contractor would have to do much more than simply provide some of the manufactured equipment, which is the only function Julie contends it can perform. Therefore, Julie is only a potential subcontractor-supplier to firms capable of competing for the project and is thus not eligible to protest this procurement. See AME Matex Corp., B-218588.2, June 20, 1985, 85-1 CPD ¶ 704.

The protester states, in its response to the agency report, that in prior protests regarding similar solicitations, our Office had considered it an interested party. The decisions that Julie cites are pre-CICA cases in which we considered the protests even though Julie was a potential subcontractor. See, for example, Julie Research Laboratories, Inc., B-199416, June 16, 1981, 81-1 CPD ¶ 493. Although our Office considered protests submitted by potential subcontractors before the enactment of CICA, we do not have the authority to do so under CICA.

The protest is dismissed.

  
Ronald Berger  
Deputy Associate  
General Counsel