

DECISION



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

FILE: B-220580.2 **DATE:** February 4, 1986
MATTER OF: Systems and Facilities Corporation

DIGEST:

Request by consultant for reinstatement of protest against requirements of request for proposals, dismissed because of filing of parallel case with General Services Board of Contract Appeals, is dismissed because consultant lacks direct interest in procurement.

Systems and Facilities Corporation (SAF) requests reinstatement of its protest against request for proposals (RFP) No. SSA-RFP-86-0014 issued by the Social Security Administration for the acquisition of computer terminals. The request for reinstatement is denied.

We dismissed SAF's original protest against this RFP in Systems and Facilities Corp., B-220580, Dec. 15, 1985, 85-2 CPD ¶ , because Memorex Corporation, a potential offeror, filed a protest with the General Services Board of Contract Appeals (GSBCA) raising some of the same objections to this solicitation as were raised by SAF in its protest to us. (Protest of Memorex Corporation, GSBCA No. 8233-P). On December 18, 1985, the parties to the Memorex protest filed a joint motion for dismissal of the protest based on their acceptance of a negotiated resolution of their objections to the RFP. On December 19, 1985, the GSBCA dismissed Memorex's protest with prejudice to the rights of the parties to file another protest concerning the issues before the GSBCA. The record shows that although SAF was aware of the GSBCA proceeding, SAF was not a party.

Our dismissal of SAF's protest followed full development of the record in accordance with our Bid Protest Regulations, 4 C.F.R. part 21 (1985). The agency, in its response to SAF's protest, challenged SAF's status as an interested party under our regulations, 4 C.F.R. § 21.1, on the basis that SAF is a consulting organization and not a supplier of terminal equipment. In its final


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comments on the protest, SAF did not rebut the agency; it merely pointed out that several interested parties, many of them terminal providers, had filed comments with us in support of its protest.

We did not address the issue of SAF'S status as an interested party in our dismissal of SAF's protest because Memorex's filing of a related protest with the GSBICA was dispositive under our regulations. 4 C.F.R. § 21.3(f)(6). However, we now find that SAF is not an interested party.

In determining whether a protester is sufficiently interested to permit our consideration of its protest, we examine the extent to which the protester possesses a direct and identifiable economic interest in the procurement and the issues raised. Storage Technology Corp., B-216719, Nov. 28, 1984, 84-2 CPD ¶ 584. Where there are intermediate parties that have a greater interest than the protester, we have generally viewed the protester as too remote from the cause to establish interest within the meaning of our regulations. National Treasury Employees Union, B-216188, Sept. 10, 1984, 84-2 CPD ¶ 278; American Satellite Corp. (Reconsideration), B-189551, Apr. 17, 1978, 78-1 CPD ¶ 289. We generally do not consider consulting organizations to have sufficient direct interest absent evidence that they represent, or are authorized to represent, particular bidders or offerors. Don Strickland's Consultant and Advisory Service, B-217178, B-217388, Feb. 5, 1985, 85-1 CPD ¶ 141. Absent evidence that SAF is authorized to represent a particular offeror or potential offeror in this procurement, we find that SAF has not established the necessary degree of direct interest in this RFP.

The request for reinstatement is dismissed.


Ronald Berger
Deputy Associate
General Counsel