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DECISION



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

FILE:

B-219590.3

DATE: May 6, 1986

MATTER OF:

American Federation of Government
Employees--Request for Reconsideration

DIGEST:

Dismissal of protest is affirmed where request for reconsideration does not establish that the dismissal was based on error of fact or law.

Local 1513 of the American Federation of Government Employees requests reconsideration of our April 8, 1986, dismissal of its protest against any award under request for proposals (RFP) No. 62474-83-R-3001, issued by the Department of the Navy for base operating support at the Naval Air Station, Whidbey Island, Oak Harbor, Washington.

The protest involved a challenge to the Navy's cost comparison under Office of Management and Budget (OMB) Circular No. A-76 of contracting for services versus performing them in-house. We dismissed the protest on the basis that the union local was not an interested party within the meaning of our Bid Protest Regulations. In its request for reconsideration, Local 1513 maintains it is an interested party because it is a "directly affected party" as defined in OMB Circular No. A-76.

We affirm our dismissal.

Under the Competition in Contracting Act of 1984, 31 U.S.C.A. § 3551(2) (West Supp. 1985), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1985), a protest may be brought only by an "interested party," defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract involved. Here the protester, a union local representing federal employees, is not an actual or prospective bidder or offeror under the solicitation being challenged. As a result, the protester is not an interested party eligible to maintain a protest. National Federation of Federal Employees Local 2049, B-220838, Oct. 23, 1985, 85-2 C.P.D. ¶ 454.

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The term "directly affected party" is defined in OMB Circ. No. A-76 for purposes of appealing cost comparison decisions made by an agency under that authority. See OMB Circ. No. A-76, supplement, part I, ch. 2, para. I. However, the OMB Circ. No. A-76 appeal procedures do not authorize an appeal outside the contracting agency by a person not eligible to maintain an appeal under our Bid Protest Regulations. See Joseph B. Evans--Request for Reconsideration, B-218047.2, Mar. 11, 1985, 85-1 C.P.D. ¶ 296.

Our prior dismissal is affirmed.

for *Seymour Efron*
Harry R. Van Crevé
General Counsel