



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Maritime Officers Service; District 2, Marine Engineers
Beneficial Association-Associated Maritime Officers, AFL-CIO

File: B-224480

Date: July 22, 1986

DIGEST

Neither an association of ship operating companies nor a labor organization comprised of ship operating company employees is an interested party eligible to bring a protest since the Competition in Contracting Act of 1984 limits the definition of interested parties to actual or prospective bidders or offerors.

DECISION

The American Maritime Officers Service (AMOS), together with the District 2, Marine Engineers Beneficial Association-Associated Maritime Officers, AFL-CIO (District 2), protest any award under solicitation No. N00033-86-R-4006, issued by the Military Sealift Command (MSC), Department of the Navy. The protesters challenge clauses in the solicitation providing for the disclosure and evaluation of offerors' proposed compensation for professional employees on the ground that doing so will impinge on their interest in free collective bargaining. We dismiss the protest.

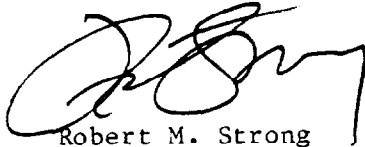
Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551, et seq. (Supp. II 1984), a protest may be brought only by an "interested party," defined as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract." 31 U.S.C. § 3551(2). The statutory definition is reflected in our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1986). Accordingly, as of January 15, 1985, the effective date of subtitle "D" of CICA, only protests filed by parties within this definition can be considered. See Polycon Corp., 64 Comp. Gen. 523 (1984), 85-1 C.P.D. ¶ 567.

AMOS is an unincorporated association whose membership consists of ship operating companies that are potential offerors on this procurement. As AMOS itself is not a potential offeror on the procurement, it is not an interested party as defined by CICA and our Regulations. See Northwest Forest Workers Association—Reconsideration, B-218891.2, June 14, 1985, 85-1 C.P.D. ¶ 685 (trade association is not an interested party).

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District 2 is a labor organization whose membership includes in part marine officers employed by ship operating companies. District 2 also is not a potential offeror and thus also is not an interested party. See National Federation of Federal Employees Local 2049, B-220838, Oct. 23, 1985, 85-2 C.P.D. ¶ 454 (union local representing employees is not an interested party).

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', with a stylized flourish at the end.

Robert M. Strong
Deputy Associate
General Counsel