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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Environmental Protection Inspection and Consulting, Inc.

File: B-224411

Date: July 21, 1986

DIGEST

A firm that is fourth low bidder is not an interested party to protest the agency's failure to send it an amendment to the solicitation that increases the scope of the work since all the lower bidders received the amendment and it is not plausible that the protester's bid would have been reduced had it received the amendment. A party that is not in line for the award if its protest is upheld generally does not have the requisite direct economic interest to be considered an "interested party" under General Accounting Office Bid Protest Regulations.

DECISION

Environmental Protection Inspection and Consulting, Inc. (EPIC) protests that the General Services Administration (GSA) failed to send it a copy of an amendment to invitation for bids (IFB) No. 6PPB-86-0048, although the firm made several attempts to obtain the amendment.

We dismiss the protest on the grounds that EPIC is not an interested party.

The solicitation is for asbestos survey services to be conducted on various GSA buildings in Missouri. An amendment was issued to correct omissions on the list of buildings in the IFB. EPIC alleges that it made several attempts to obtain a copy of the amendment, but that it never received one.

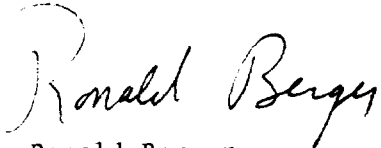
The agency has provided us with an abstract of bids received under the IFB, indicating that EPIC's bid was only fourth low. GSA argues that EPIC would not be in line for award if its protest were sustained, and that it therefore lacks the requisite "interest" to have its protest considered.

Under our Bid Protest Regulations, a party must be economically interested before we will consider its protest. 4 C.F.R. § 21.1(a) (1986). We have held that a protester is not interested if it would not be in line for award if its protest were upheld. Talbott Development Corp., B-220648, Jan. 17, 1986, 86-1 CPD ¶ 60.

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Here, three other bidders would be eligible for award before EPIC. Since the amendment increases the performance required under the IFB Statement of Work by adding buildings to be serviced, it is not plausible that EPIC's price would have been lower, had it included the amendment. The protester has not challenged the propriety of the lower bids. Therefore, even if EPIC's protest was successful, the firm would not be eligible for award. Accordingly, we conclude that it is not an interested party to protest the matter.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Deputy Associate
General Counsel