

Gilhooly



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Gentex Corporation

File: B-225669

Date: February 27, 1987

## DIGEST

Since as the sixth low offeror in a procurement in which price is the determining factor, the protester's direct economic interest is not affected by the award of the contract, the protester is not an interested party eligible to pursue a protest against award to the low offeror.

## DECISION

Gentex Corporation protests the award of a contract to Devil's Lake Sioux Manufacturing Corporation (Devil's Lake) under request for proposals (RFP) DLA100-86-R-0658, issued by the Defense Personnel Support Center (DPSC), Philadelphia, for helmets. Gentex contends that Devil's Lake received an unfair competitive advantage by being awarded an option for the same item at more than a fair market price under the terms of a contract awarded under the Small Business Administration's section 8(a) program.

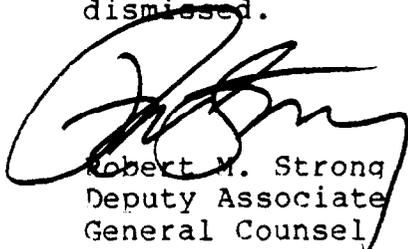
We dismiss the protest because Gentex is not an interested party as required under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3531(a) (Supp. III 1985), and our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1986).

An interested party is defined in both CICA and our Regulations as an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. Generally, a party will not be deemed to have the necessary economic interest where there are other intervening offerors that would be in line for award if the awardee were eliminated from the competition. First Continental Bank Building Partnership, B-224423, Sept. 3, 1986, 86-2 C.P.D. ¶ 255.

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DPSC reports that the RFP was issued as a partial set-aside for small business firms and envisioned a total of three awards to three separate entities: two awards for a quantity of 100,000 units each on the unrestricted portion and one award of 100,000 on the partial set-aside. Awards for a quantity of 100,000 each have been made to Devil's Lake and Stemaco Products for the unrestricted portion. The set-aside portion of 100,000 units, for which Gentex as a large business would not qualify, has not yet been awarded.

According to DPSC, Gentex is the sixth-low evaluated offeror on the unrestricted portion and, even if the protest is sustained, three other acceptable offerors stand between the protester and the award. Since Gentex is not in line for award, it is not an interested party, and its protest is dismissed.



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