The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Xmco, Inc.

File: B-225678

Date: March 19, 1987

DIGEST

Fifth low offeror under a canceled solicitation is not an interested party to protest the cancellation and alleged subsequent sole-source award. Even if the protest were sustained and the solicitation reinstated, the protester would not be in line for award.

DECISION

Xmco, Inc. protests the cancellation of request for proposals (RFP) No. DAMD17-87-R-0024 issued by the Department of the Army for the acquisition of domestic and foreign journal subscriptions, and associated on-line computer services. Xmco also asserts that the agency subsequently acquired the services by making an improper sole-source contract award.

The solicitation provided that award would be made to the responsible offeror whose offer, conforming to the solicitation, would be most advantageous to the government, cost or price and other factors specified in the solicitation considered. We have held that this language requires that award be made to the lowest-priced, responsible offeror whose proposal is determined to be technically acceptable. Kreonite, Inc., B-222439, July 11, 1986, 86-2 CPD ¶ 60. The record shows that Xmco's offer was the highest of the five offers received in response to the RFP.

Since it is apparent from solicitation that a single, aggregate award to the lowest-priced offeror was to be made, we find that Xmco lacks the "direct economic interest" that is necessary to make it an interested party under our Bid Protest Regulations. See 4 C.F.R. § 21.0(a) (1986); Falcon Management, Inc., B-222200.2, May 9, 1986, 86-1 CPD ¶ 448. Xmco, as the fifth low offeror, would not be in line for award even if we sustained its protest and recommended that the alleged sole-source award be terminated and the RFP reinstated. Id.

Accordingly, we will not consider Xmco's protest on the merits.

The protest is dismissed.

Ronald Berger
Deputy Associate
General Counsel