



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Firm Maximillian Romer and Partner

File: B-226333, B-226334

Date: April 14, 1987

DIGEST

Protester is not an interested party to maintain protests where protester is not eligible to receive award under the challenged solicitations as a result of debarment proceedings initiated against protester while protests are pending.

DECISION

Firm Maximillian Romer and Partner protests award by the Air Force to any other offeror under request for proposals (RFP) No. F61521-87-R-2022, for the installation of pre-fabricated concrete garages, and RFP No. F61521-87-R-2006, for construction of a shelter over parking areas at various Air Force facilities in West Germany. In both protests Romer challenges the contracting officer's determination that Romer is not a responsible firm and thus may not receive award under the challenged RFPs. We dismiss the protests because Romer does not qualify as an interested party to maintain the protests.

By letter dated March 2, 1987, issued while the protests were pending, the Air Force notified Romer that it had begun proceedings to debar Romer from receiving government contracts. In addition, the letter advised Romer that "the Department of Defense will not solicit offers from, award contracts to, renew, or otherwise extend contracts with, or consent to subcontracts with you pending this debarment decision."

As the Air Force's March 2 letter indicates, a firm for which debarment has been initiated is precluded from receiving any contract awards from the agency involved pending a final debarment decision. Federal Acquisition Regulation, 48 C.F.R. § 9.406-3(c)(7) (1986); Semtex Industrial Corp., 65 Comp. Gen. 503 (1986), 86-1 CPD ¶ 367. Since Romer thus is not eligible for award under

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the challenged RFPs even if the protests are sustained, Romer does not qualify as an interested party entitled to maintain the protests. See Competition in Contracting Act of 1984, 31 U.S.C. § 3551(2) (Supp. III 1985); Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1986); S.A.F.E. Export Corp., B-222823, et al., Apr. 30, 1986, 86-1 CPD ¶ 424.

The protests are dismissed.

Ronald Berger

Ronald Berger
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General Counsel