



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Mid-South Dredging Company--Request for  
Reconsideration  
File: B-228677.2  
Date: August 20, 1987

### DIGEST

To be considered an interested party to protest under the Competition in Contracting Act of 1984 and GAO's Bid Protest Regulations, a party must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or failure to award a contract. A subcontractor to a potential government contractor, which is not an actual bidder or offeror itself, is not an interested party.

### DECISION

Mid-South Dredging Company requests that we reconsider our dismissal of its protest against the Army Corps of Engineers' award of a contract under invitation for bids No. DACW56-87-B-0029. We dismissed Mid-South's protest because Mid-South was not an actual or prospective bidder and, therefore, not an interested party to protest under the Competition and Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (Supp. III 1985) and our Bid Protest Regulations, 4 C.F.R. §§ 21.0 and 21.1(a) (1987).

In its request for reconsideration, Mid-South argues that it is an interested party to protest since it is a subcontractor to a firm which bid under the subject procurement and, therefore, its direct economic interest is affected by the award of this contract.

While we will consider subcontractor protests where the subcontract is "by or for" the government, we will only do so where the protester is an interested party as defined in CICA. U.S. Polycon Corp., B-219298, Sept. 18, 1985, 85-2 C.P.D. ¶ 298. CICA defines an interested party for purposes of eligibility to protest as an "actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award the contract." This statutory definition of an

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interested party is reflected in our Bid Protest Regulations implementing CICA. See 4 C.F.R. § 21.0(a). Since Mid-South, by its own admission, is not an actual or prospective bidder for the solicited requirement, it does not qualify as an interested party under CICA and our regulations. Preventive Maintenance Services--Request for Reconsideration, B-223963.4, Sept. 12, 1986, 86-2 C.P.D. ¶ 294.

Our dismissal of the firm's protest is affirmed.

*for Seymour Efran*  
Harry R. Van Cleve  
General Counsel