



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: General Electric Co.
File: B-228465
Date: November 20, 1987

DIGEST

1. Protest is dismissed because protester is not an interested party under General Accounting Office's Bid Protest Regulations where protester, fourth low bidder, would not be in line for award should its protest against low bid be sustained, given that protester has not protested against any possible award to second or third low bidder.
2. General Accounting Office will deny a request for a conference when the protest is not being considered on the merits, since a conference would serve no useful purpose.

DECISION

General Electric Company (GE) protests the award of a contract to Gulf Electric Construction Co. (Gulf) under invitation for bids (IFB) No. F08651-87-B0094 issued by the United States Air Force, Eglin Air Force Base, Florida. The IFB is for the retrofitting (replacement) of transformers contaminated with Polychlorinated Biphenyls (PCBs). GE argues that Gulf's low bid should be rejected because Gulf failed to meet the IFB's definitive responsibility criteria which required that the contractor have been involved in PCB servicing for at least 5 years.

We dismiss the protest based on the Air Force's report which shows that GE is not an interested party under our Bid Protest Regulations. See 4 C.F.R. § 21.3(f) (1987), which provides that when the propriety of a dismissal becomes clear only after information is provided by the contracting agency, we will dismiss the protest at that time.

GE states in its protest that it is the second low bidder. However, the Air Force reports that GE is in fact the fourth lowest bidder and is not in line for award under the IFB

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should Gulf's bid be rejected. GE has not protested any possible award to the second and third low bidders and also the Air Force's preliminary evaluation provided to us for our in camera review concludes that both the second low bidder, Sides Electric Company, and the third low bidder, Ronco Electric, appear to meet the definitive responsibility criteria. In these circumstances, where GE would not be in line for award of the contract if its protest were upheld, GE is not an interested party for the purpose of protesting the agency's finding that the low bidder met the definitive responsibility criteria and consequently, we dismiss the protest. 4 C.F.R. § 21.0(a); Charles J. Dispenza & Assocs., B-224524, Dec. 3, 1986, 86-2 CPD ¶ 636; Eastman Kodak Co., B-220646, Jan. 31, 1986, 86-1 CPD ¶ 113.

GE also has requested a conference. However, since the protest is not being considered on the merits, we believe that a conference would serve no useful purpose. See Zimmerman Plumbing and Heating Co., Inc.--Reconsideration, B-211879.2, Aug. 8, 1983, 83-2 CPD ¶ 182.

The protest is dismissed.



 Ronald Berger
Deputy Associate
General Counsel