



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Professional Medical Products, Inc.
File: B-231743
Date: July 1, 1988

DIGEST

Protest by sixth lowest bidder against the award of contracts to the two lowest bidders is dismissed where the protester fails to state a basis for protest against the intervening lower bidders and therefore is not an interested party under Bid Protest Regulations, 4 C.F.R. § 21.1(a). Stated belief that intervening lower bidders offered noncompliant supplies, without further explanation, does not constitute the required legally sufficient detailed statement of grounds of protest.

DECISION

Professional Medical Products, Inc. (PMP), protests two contract awards by the Veterans Administration under invitation for bids (IFB) No. M1-80-88 for protective bedding. PMP was the sixth lowest bidder for the two protested line items. PMP argues in detail that the awardees' products do not comply with the specifications contained in the IFB, but states only its belief that "the other companies which submitted bids lower than PMP's are not offering products which comply with the VA specifications," with no expansion or further explanation.

Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (Supp. IV 1986), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1988), a party must be "interested" in order to have its protest considered by our Office. A party is interested if its direct economic interest would be affected by the award or failure to award a contract, 4 C.F.R. § 21.0(a), which generally means that the protester is next in line for award of the contract if the challenged offeror is eliminated from the competition. Armament Engineering Co., B-228445, Feb. 5, 1988, 88-1 CPD ¶ 121. In applying this rule, we consistently have refused to consider

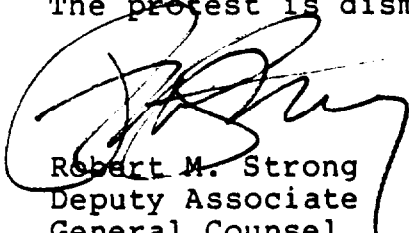
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the merits of a protest where the protester was other than the next lowest bidder failed to challenge all bids that stood between the protester and the award. See, e.g., Kellogg Plant Services, Inc., B-227689.3, Nov. 24, 1987, 87-2 CPD ¶ 510; General Electric Co., B-228465, Nov. 20, 1987, 87-2 CPD ¶ 498; Storz Instrument Co., B-228534, Oct. 29, 1987, 87-2 CPD ¶ 414.

Our Regulations require that a protest include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). This contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood of the protester's claim of improper agency action, particularly where the protester has had access to at least some of the information necessary to support its claims. See, e.g., General Electric Co.--Reconsideration, B-228465.2, Dec. 21, 1987, 87-2 CPD ¶ 612.

Here, PMP had the opportunity to examine all of its competitors' bids after the bid opening. In these circumstances, PMP's belief that the intervening lower bidders were offering noncompliant bedding, without further explanation, is inadequate to constitute a protest against their bids. Consequently, because PMP has not stated legally sufficient grounds of protest with respect to the intervening bids, the firm is not an interested party for purposes of protesting the awards to the two lowest bidders. Kellogg Plant Services, Inc., B-227689.3, supra.

The protest is dismissed.



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