



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: SuPressor, Inc.
File: B-232748
Date: November 29, 1988

DIGEST

Protester that refuses to extend its offer acceptance period is not an interested party to protest award to another offeror by drawing of lots among equal low offerors.

DECISION

SuPressor, Inc., protests the determination of the U.S. Army Missile Command (MICOM) to award a contract to Newport Scientific, Inc., under request for proposals (RFP) No. DAAH01-88-R-A615, for compressor assemblies for the Stinger Missile System.

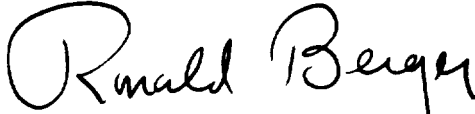
The solicitation provided for award to be made to the responsible offeror submitting the low, technically acceptable proposal. SuPressor challenges MICOM's selection of an awardee through the drawing of lots to break a tie between the equal low offers submitted by SuPressor and Newport.

We decline to address the merits of this dispute. We have been advised by MICOM that SuPressor's offer expired on November 13. The protester declined in writing the agency's request to extend its offer acceptance period, stating that it now prefers resolicitation to award under the current RFP. Our jurisdiction to consider bid protests, however, is limited to those filed by interested parties, which are defined as actual or prospective bidders or offerors whose direct economic interests would be affected by the award of, or failure to award, a contract. 4 C.F.R. § 21.0(b) (1988). In refusing to extend its offer acceptance period, SuPressor precluded any possibility that it could be awarded this contract even if we were to conclude that its challenge

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to selection by lot has merit; SuPressor thus is not an interested party eligible to continue with its protest. See Lionhart Group, Ltd.--Request for Reconsideration, B-232731.2, Nov. 4, 1988, 88-2 CPD ¶ ____; S.J. Groves & Sons Co., B-207172, Nov. 9, 1982, 82-2 CPD ¶ 423; Don Greene Contractor, Inc., B-198612, July 28, 1980, 80-2 CPD ¶ 74.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger
Associate General Counsel