



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Preparatory Institute

File: B-234297

Date: March 10, 1989

DIGEST

Third low bidder on a solicitation for educational services under which award was made to the lowest responsible bidder is not an interested party under General Accounting Office Bid Protest Regulations to protest propriety of award to bidder which allegedly was not accredited, where protester has not also protested against any possible award to intervening bidder.

DECISION

American Preparatory Institute (API) protests an award of a contract to LD Research Corporation under invitation for bids (IFB) No. DAKF06-89-B-0002, issued by the Directorate of Contracting, Fort Carson, Colorado. The IFB was for provision of basic skills and career soldier education programs at Fort Carson and Pueblo Army Depot, Colorado. API alleges that LD Research is not accredited and therefore the Army erred in awarding it the contract.

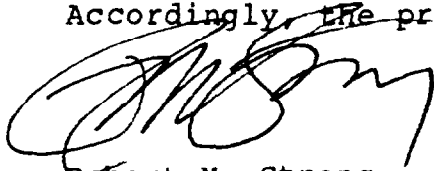
We dismiss the protest.

The agency advises us in its report that API was the third low bidder and that the second low bidder is an accredited institution. Upon further inquiry by our Office, the Army explained that the second low bidder is fully responsive and responsible and would be awarded the contract if we sustained API's protest. Neither in its protest nor in its comments to the agency report, has API protested that the second low bidder is not responsive, responsible, or otherwise eligible for award.

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Since API would not be in line for award if its protest were sustained, it is not an interested party under our Bid Protest Regulations to protest that the low bidder was not eligible for award. General Electric Co., B-228465, Nov. 20, 1987, 87-2 CPD ¶ 498.

Accordingly, the protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the typed name.

Robert M. Strong
Associate General Counsel