



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Far West Meats
File: B-234642
Date: March 31, 1989

DIGEST

Protester is not an interested party to maintain protest where it would not be eligible to receive award even if protest were sustained due to initiation of debarment proceedings against it.

DECISION

Far West Meats protests award to any other offeror of a contract for meat products under request for proposals (RFP) No. DLA13H-89-R-2501, issued by the Defense Personnel Support Center. According to Far West, its prices for both Lot 7, pork sausage patties, and Lot 8, frankfurters, were low based on the 10 percent evaluation preference to which it, as a small disadvantaged business, was entitled. Far West argues that although it failed to indicate in its offer that it was a small disadvantaged business, its failure to self-certify was not a material omission since the agency was already aware of its status. We dismiss the protest because Far West is not an interested party to maintain a protest before our Office.

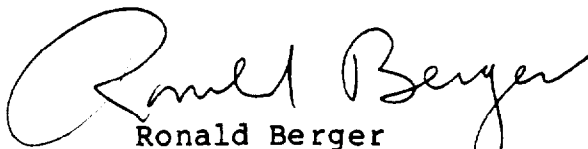
By letter dated March 24, 1989, the Defense Logistics Agency notified Far West that it had initiated debarment proceedings against Far West. The letter advised Far West that pending a decision on debarment, the Department of Defense would not solicit offers from, award contracts to, renew or otherwise extend contracts with, or approve subcontracts with it unless the Secretary concerned or his authorized representative stated in writing that there was a compelling reason to do so.

As the agency's letter indicates, a firm for which debarment has been initiated is precluded from receiving any contract awards from the agency involved pending a final debarment

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decision. Federal Acquisition Regulation § 9.406-3(c)(7) (FAC 84-43); Firm Maximillian Romer and Partner, B-226333, et al., Apr. 14, 1987, 87-1 CPD ¶ 408. Since Far West would therefore not be eligible for award under the challenged RFP even if its protest were sustained, it is not an interested party to maintain a protest under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988). Id.

The protest is dismissed.


Ronald Berger
Associate General Counsel