



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** K&K Engineered Products, Inc.

**File:** B-239838.2

**Date:** July 9, 1990

William J. Weinstein, Esq., Weinstein, Gordon & Hoffman, for the protester.

Jeffrey J. Kessler, Esq., Department of the Army, for the agency.

Christina Sklarew, Esq. and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

Protester is not an interested party to maintain protest where it has been suspended from government contracting and would not be eligible to receive award even if its protest were sustained.

### DECISION

K&K Engineered Products, Inc. protests the Army's award of a contract to Minowitz Manufacturing Company under request for proposals (RFP) No. DAAE07-90-R-J028, which was issued by the Army for 35,811 cylinder sleeves and piston assemblies. K&K alleges that it was improperly excluded from the competition.

By letter of June 21, 1990, the Army notified K&K that the firm had been suspended from receiving government contracts. Federal Acquisition Regulation § 9.405 (FAC 84-53) provides that suspended contractors are excluded from receiving government contract awards. Since K&K therefore would 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) (1990). Waste Conversion, Inc., B-234761, Apr. 11, 1989, 89-1 CPD ¶ 371.

The protest is dismissed.

*Ronald Berger*  
Ronald Berger  
Associate General Counsel

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