



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Siemens Information Systems, Inc.
File: B-241206
Date: November 13, 1990

James A. Goodman for the protester.
Paul M. Curran, Esq., Department of the Treasury, for the agency.
Linda C. Glass, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest by firm not in line for the award if the protest were sustained is dismissed, since the protester does not have the requisite direct economic interest in the contract award to be considered an interested party under General Accounting Office Bid Protest Regulations.

DECISION

Siemens Information Systems, Inc. protests the award of a contract to Federal Computer Corporation under request for proposals (RFP) No. RFP-FMS-90-0019, issued by the Department of the Treasury for the purchase, installation and maintenance of a laser printer.

We dismiss the protest.

The RFP essentially provided for award to the low, technically acceptable offeror. Four proposals were received in response to the RFP, and three of the four offerors, including Siemens and Federal, were included in the competitive range. Siemens contends that the printer, an IBM 3835, offered by Federal, the low offeror which was awarded the contract, did not meet the RFP's specifications.

The agency argues that Siemens is not an interested party to protest the award because Siemens is the third low offeror and would not be in line for award even if its protest were sustained. The record shows that the three competitive range offerors were considered to be technically equal (all met the mandatory requirements) and that award was made to low, technically acceptable offeror. According to the agency, the

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second low offeror offered a different printer from the IBM 3835.

Under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1990), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status in relation to a procurement. Where there are intermediate parties that have a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our Bid Protest Regulations. See Automated Servs., Inc., B-221906, May 19, 1986, 86-1 CPD ¶ 470; Brunswick Corp. and Brownell & Co., Inc., B-225784.2 et al., July 22, 1987, 87-2 CPD ¶ 74. A party will not be deemed interested where it would not be in line for the protested award even if its protest were sustained. See id.

As Siemens has not contested the acceptability of the second ranked offeror nor challenged the propriety of the evaluation of its own proposal, we have no reason to believe that Siemens would be in line for award if its protest were sustained. Accordingly, Siemens is not an interested party entitled to protest.

The protest is dismissed.

for Andrew T. Pogany
Michael R. Golden
Assistant General Counsel