

Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Alascom, Inc.

File: B-250407; B-250407.2

Date: October 22, 1992

John F. Bradach, Esq., and Ronald W. Messerly, Esq., Stoel, Rives, Boley, Jones & Grey, for the protester.
Karl Dix, Jr., Esq., and E. Alan Arnold, Esq., Smith, Currie & Hancock, for Signal Communications Systems & Supplies, an interested party.
H. Jack Shearer, Defense Information Systems Agency, for the agency.
Behn Miller, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest by firm not in line for 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 the General Accounting Office's Bid Protest Regulations.

DECISION

Alascom, Inc. protests the award of a contract to SIGCOM under request for proposals (RFP) No. DCA200-92-R-0046, issued by the Defense Information Systems Agency (DISA) to provide digital long-haul command and control communication links between various communication sites located in the United States, Guam, Japan, and Korea. Alascom contends that SIGCOM's proposal was improperly based on the use of the Tracking and Data Relay Satellite System (TDRSS) rather than the International Satellite (INTELSAT) system, and that SIGCOM's TDRSS proposal did not meet the mandatory requirements of the RFP.

We dismiss the protests.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement.

That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a) (1992). Determining whether a party is sufficiently interested involves consideration of that party's status in relation to the procurement; where there is another party that has a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our regulations. RC 27th Ave. Corp.--Recon., B-246727.2, May 20, 1992, 92-1 CPD ¶ 455.

In this case, the solicitation provided that award would be made to the "lowest price[d], responsive, responsible offeror"; in this regard, the RFP required offerors to base their proposals on either the INTELSAT or the TDRSS satellite.¹ At the May 8 closing date, seven proposals were received; one proposal was rejected as technically unacceptable since it was based on the PanAm satellite. The remaining six proposals were ranked as follows, in order of price:²

<u>Offeror</u>	<u>Proposed Satellite</u>
SIGCOM	TDRSS (primary proposal)
SIGCOM	INTELSAT (alternate proposal) ³
GE Americom	TDRSS (alternate proposal)
GE Americom	INTELSAT (primary proposal)
IDB International	INTELSAT
Alascom	INTELSAT
ARS	INTELSAT

Here, the record shows that even if we found the contract was improperly awarded to SIGCOM, two firms--GE Americom and IDB International--precede the protester in eligibility for award. Alascom does not question the eligibility of these intervening offerors for award. Further, Alascom has not challenged the agency's evaluation of its own proposal.

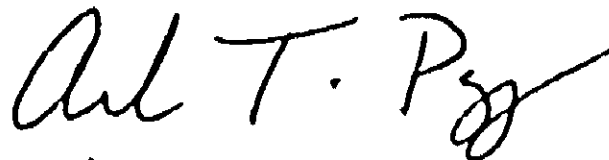
¹The RFP initially limited proposals to the INTELSAT satellite; however, by amendment No. 0009 offerors were "encouraged to submit alternate proposals utilizing . . . (TDRSS) in lieu of . . . (INTELSAT)."

²The agency has asked this Office not to release the proposal prices.

³Two offerors--SIGCOM and GE Americom--submitted both an INTELSAT and a TDRSS proposal; SIGCOM offered the same price in each proposal.

Under these circumstances, since the protester would not be in line for award even if its protest were sustained, we find that Alascom--as the fifth low offeror--is not an interested party within the meaning of our Regulations to challenge the award. See Negotiations Int'l, Ltd., B-242374, Mar. 26, 1991, 91-1 CPD ¶ 329.

The protests are dismissed.

A handwritten signature in cursive script, appearing to read "Andrew T. Pogany".

Andrew T. Pogany
Acting Assistant General Counsel