



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: USATREX International, Inc.--Reconsideration

File: B-251048.3

Date: November 10, 1992

David R. Smith, Esq., Reed Smith Shaw & McClay, for the protester.

Catherine M. Evans, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where request confirms that protester is a prospective subcontractor, not a prospective offeror, under protested procurement, and thus supports General Accounting Office's conclusion that protester is not an interested party to protest agency's disclosure of prices under its current contract.

DECISION

USATREX International, Inc. requests reconsideration of our October 26, 1992, decision dismissing its protest of the Department of State's (DOS) disclosure of its prices under its current contract for international construction security surveillance to prospective offerors under request for proposals (RFP) No. 0000-770023.

We deny the request.

USATREX's protest indicated that the firm is not an actual or prospective offeror under the RFP but, rather, was selected by a prospective offeror as a "subcontractor team member" to prepare a proposal in response to the RFP. The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551(2) (1988), requires that a party be an actual or prospective bidder or offeror with respect to the solicitation or award being protested, and have a direct economic interest in that award or failure to award, in order to qualify as an interested party for the purpose of filing a protest. Because USATREX, a prospective subcontractor, did not meet this standard, we dismissed the protest. See 4 C.F.R. §§ 21.0(a) and 21.3(m)(10) (1992); Hatch & Fortwangler, Inc.--Recon., B-244752.2, Sept. 25, 1991, 91-2 CPD ¶ 281.

In its reconsideration request, USATREX argues that it is an interested party as defined by CICA and our Regulations because it has a direct economic interest in the outcome of the protest. In this regard, USATREX asserts that its current contract could be extended if we were to sustain its protest. USATREX's argument is without merit. While USATREX arguably has a direct economic interest in the outcome of the procurement, thus meeting one element of CICA's definition of an interested party, it is not an actual or prospective offeror with respect to the protested solicitation, and therefore does not meet the balance of the interested party standard. Accordingly, we have no basis for entertaining USATREX's protest.

As USATREX has not shown that our dismissal was based on any errors of fact or law, or offered new information that would warrant its reversal or modification, the request for reconsideration is denied. See 4 C.F.R. § 21.12(a); R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274.



Ronald Berger
Associate General Counsel