



Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: Lummi Energy Supply Co.

File: B-260262

Date: March 28, 1995

DECISION

Lummi Energy Supply Co. protests the small disadvantaged business preference terms included in solicitation No. DLA600-95-R-0061, issued by the Defense Fuel Supply Center for specified types of fuel.

We dismiss this protest on the basis that the protester is not an interested party.

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) (1995). Determining whether a party is interested involves consideration of a variety of factors, including the nature of the issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Here, offerors under the solicitation were required to be regular dealers or manufacturers as defined by the Walsh Healy Public Contracts Act, 41 U.S.C. §§ 35-45 (1988), and its implementing regulations, 41 C.F.R. § 50-201.101(a)(2). By letter dated March 14, the Department of Labor, the agency with final responsibility for determining an offeror's status as a regular dealer or manufacturer, determined that Lummi is not a regular dealer or manufacturer. Thus, Lummi is not in line for award and lacks the direct economic interest required to maintain the protest. Accordingly, the protest is dismissed.

Christine S. Melody
Christine S. Melody
Assistant General Counsel